

By Mr. GUYER (by request): A bill (H. R. 8389) to provide funds to pay costs of emergency employment of laborers not needed in commercial operations of production, service, and trade; to spread a tax on all money and money equivalent (coinage, currency, and bank deposits); to provide for printing, coining, and distribution of an annual dated series of coins and paper currency; to provide for licensing of all banks and other institutions carrying entries of deposits of coins, currency, or credits of money value; to provide means of discounting outstanding coins and currency the amount of the tax levied; to provide for collecting from banks and other institutions of deposit the tax levied on deposits in their care; to provide for the coinage of 1-mill tokens, and for other purposes; to the Committee on Ways and Means.

By Mr. O'MALLEY: A bill (H. R. 8390) relating to age limits for individuals seeking positions in the executive branch of the Government, and for other purposes; to the Committee on the Civil Service.

By Mr. WIGGLESWORTH: Resolution (H. Res. 349) to limit negotiations for trade agreement with Czechoslovakia pending completion of investigation by Tariff Commission; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 8391) for the relief of Frances M. Heinzelmann; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 8392) granting an increase of pension to Helen R. Pickett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8393) granting an increase of pension to Alice M. LaFontain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8394) granting an increase of pension to Della M. Babcock; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 8395) for the relief of Caroline C. Collins; to the Committee on the Civil Service.

By Mr. GREENWOOD: A bill (H. R. 8396) granting a pension to Orville Hunter; to the Committee on Invalid Pensions.

By Mr. GWYNNE: A bill (H. R. 8397) granting a pension to Ada M. Beeson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8398) granting a pension to Lydia Whitney; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 8399) for the relief of John H. Springer; to the Committee on Military Affairs.

By Mr. JENKS of New Hampshire: A bill (H. R. 8400) granting a pension to Ida B. Hunt; to the Committee on Invalid Pensions.

By Mr. PFEIFER: A bill (H. R. 8401) for the relief of Stanley Mercuri; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3334. By Mr. GWYNNE: Petition of sundry citizens of Waterloo, Iowa, urging favorable consideration of a bill to prohibit any American manufacturer to manufacture for sale or offer for sale any war equipment or munition or any formulas for the same to any country other than the United States of America, or exhibit or allow to be exhibited in any country but the United States; to the Committee on Military Affairs.

3335. Also, petition of sundry citizens of Belmond, Iowa, urging passage of a bill to prohibit any American manufacturer to manufacture for sale or offer for sale any war equipment or munition or any formulas for the same to any country other than the United States of America, or exhibit or allow to be exhibited in any country but the United States; to the Committee on Military Affairs.

3336. By Mr. KEOGH: Petition of the New York Board of Trade, New York City, concerning farm legislation; to the Committee on Agriculture.

3337. Also, petition of the American Hotel Association of the United States and Canada, concerning the repeal of the undistributed profits tax and the Black-Connery wage and hour bill; to the Committee on Labor.

3338. By the SPEAKER: Petition of the Central Trades and Labor Council, of Allentown, Pa., and vicinity, supporting the wage and hour bill and the Schwellenbach-Allen resolution; to the Committee on Labor.

3339. Also, petition of the Internal Revenue Federal Credit Union, Washington, D. C., urging favorable consideration on Senate bill 2675 in order that the credit-union movement may not be unduly handicapped or taxed out of existence by those interests which charge higher rates of interest on small loans; to the Committee on Banking and Currency.

3340. By Mr. KEOGH: Petition of the New York Board of Trade, New York City, concerning the repeal of the undistributed profits tax; to the Committee on Ways and Means.

3341. By Mr. MERRITT: Resolution of the American Legion, Kings County, Brooklyn, N. Y., urgently requesting that the United States Veterans' Administration make immediately available to veterans of Kings County and the adjoining counties of New York State hospital facilities at the Brooklyn Naval Hospital, and that the present unused portion of the hospital facilities at that base be placed in commission without delay and that the additional beds to be made available as a result of placing said facilities in commission be prepared for the reception of World War veterans in need of such hospitalization; to the Committee on World War Veterans' Legislation.

SENATE

WEDNESDAY, NOVEMBER 17, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

HOMER T. BONE, a Senator from the State of Washington; FRANCIS T. MALONEY, a Senator from the State of Connecticut; and MATTHEW M. NEELY, a Senator from the State of West Virginia, appeared in their seats today.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of yesterday, November 16, 1937, be approved without reading.

Mr. CONNALLY. Mr. President, reserving the right to object, I inquire if the Senator from Missouri [Mr. CLARK] is present? He would probably object if he were here.

Mr. BARKLEY. I am not able to speak for the Senator from Missouri.

Mr. CONNALLY. I do not object.

The VICE PRESIDENT. Without objection, the Journal is approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	O'Mahoney
Andrews	Connally	King	Overton
Ashurst	Copeland	La Follette	Pepper
Austin	Dieterich	Lee	Pittman
Bailey	Donahey	Lewis	Pope
Bankhead	Duffy	Lodge	Radcliffe
Barkley	Ellender	Logan	Russell
Berry	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Shipstead
Bridges	Glass	McGill	Smith
Brown, N. H.	Graves	McKellar	Thomas, Okla.
Bulkeley	Green	McNary	Thomas, Utah
Bulow	Guffey	Maloney	Townsend
Burke	Hale	Miller	Truman
Byrd	Harrison	Minton	Tydings
Byrnes	Hatch	Murray	Vandenberg
Capper	Hayden	Neely	Van Nuys
Caraway	Herring	Norris	Wagner
Chavez	Hitchcock	Nye	White

Mr. MINTON. I announce that the Senator from West Virginia [Mr. Holt], the Senator from Delaware [Mr. Hughes], and the Senator from North Carolina [Mr. Reynolds] are absent because of illness.

The junior Senator from New Jersey [Mr. Smathers] is absent because of illness in his family.

The Senator from Michigan [Mr. Brown], the senior Senator from New Jersey [Mr. Moore], the Senator from Massachusetts [Mr. Walsh], and the Senator from Montana [Mr. Wheeler] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. Davis] is absent on business of the Senate, and that the Senator from Oregon [Mr. Steiwer] is detained on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPORT OF NATIONAL BITUMINOUS COAL COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the annual report of the National Bituminous Coal Commission for the fiscal year ended June 30, 1937, which was referred to the Committee on Interstate Commerce.

PETITIONS

The VICE PRESIDENT laid before the Senate petitions of sundry citizens of Cleveland, Ohio, praying for an investigation by the subcommittee of the Committee on Education and Labor engaged in investigating violations of the rights of free speech and assembly of certain organizations alleged to be conspiring to destroy democracy in the Nation, arouse hatred against racial minorities, and defeat the operation of the National Labor Relations Act, which were referred to the Committee on Education and Labor.

He also laid before the Senate a letter in the nature of a petition from Charles G. Rennar, of Jersey City, N. J., praying for revision of the monetary system by increasing the amount of money in circulation to the total value of the national wealth, etc., which was referred to the Committee on Banking and Currency.

He also laid before the Senate the petition of Simon Frey, of New York, N. Y., praying for the prompt enactment of pending antilynching legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from Unit 14 of the Communist Party, Eighth Assembly District, New York, N. Y., praying for prompt consideration of pending antilynching legislation by the present extraordinary session of Congress, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the New York Board of Trade, of New York City, favoring the immediate repeal of the undistributed profits tax, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Amity and Buffalo, N. Y., praying for the enactment of legislation closing the radio and other publicity channels to liquor advertising, which were referred to the Committee on Interstate Commerce.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The VICE PRESIDENT. The pending question is the motion of the Senator from New York [Mr. Wagner] that the Senate proceed to the consideration of House bill 1507, the so-called antilynching bill. The Senator from Texas [Mr. Connally] has the floor, and the Senate has given unanimous consent for the reading of certain extracts from the CONGRESSIONAL RECORD.

RAILROAD FREIGHT RATES

Mr. BORAH. Mr. President, I desire to ask—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I yield to the Senator provided it will not take me off the floor.

The VICE PRESIDENT. The Chair does not think it will take the Senator off the floor. It is, of course, a matter that ultimately will have to be decided by the Senate, but the present occupant of the chair is liberal-minded with reference to debate, and the Chair holds that yielding to the Senator from Idaho for a routine matter will not take the Senator from Texas off the floor.

Mr. BORAH. I ask permission to submit a Senate concurrent resolution, and ask to have it read and lie on the table.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and the clerk will read, as requested.

The legislative clerk read the concurrent resolution (S. Con. Res. 21), as follows:

Whereas there is now, or soon to come, before the Interstate Commerce Commission application of the railroads for a still greater increase of freight rates; and

Whereas this is a matter of the utmost importance to producers and shippers, as well as the railroads, not omitting the interests of the general public; and

Whereas this question should be decided only after a thorough and impartial investigation of the facts and the law free from political or outside influence from any source; and

Whereas it is being urged by interested parties, particularly the railroads, that Congress should call upon the Commission to increase freight rates: Therefore be it

Resolved by the Senate (the House of Representatives concurring). First, it is the sense of Congress that it would be highly improper for Congress, or any other institution or department, or person, or persons, to seek in any way to influence the action of the Commission in the discharge of its duties in connection with this vital matter.

Second, that the decision of the Interstate Commerce Commission should in the fullest degree be free from political influence; and that all attempts to exert such influence are hereby disapproved and condemned.

Third, that until the Commission has rendered its decision, all parties interested should content themselves with presenting the facts and the law to the Commission in an orderly fashion.

Fourth, that the Interstate Commerce Commission is a quasi-judicial body, and any and all attempts to influence its action through outside influence must necessarily result in disparaging the efficiency and worth of such Commission.

The VICE PRESIDENT. The resolution will lie on the table.

EXECUTIVE REPORTS OF COMMITTEE ON APPROPRIATIONS

As in executive session,

Mr. McKELLAR, from the Committee on Appropriations reported favorably the following nominations:

George M. Bull, of Colorado, to be regional director, region V, in the Federal Emergency Administration of Public Works, the office to which he was appointed during the last recess of the Senate;

Howard A. Gray, of Illinois, to be Assistant Administrator in the Federal Emergency Administration of Public Works, the office to which he was appointed during the last recess of the Senate; and

David R. Kennicott, of Illinois, to be regional director, region II, in the Federal Emergency Administration of Public Works, the office to which he was appointed during the last recess of the Senate.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 3019) authorizing the President of the United States to appoint Thomas C. Neibaur, late of Company M, Sixteenth Infantry, United States Army, as a major in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. MINTON:

A bill (S. 3020) for the appointment of an additional circuit judge for the seventh judicial circuit; to the Committee on the Judiciary.

By Mr. MCGILL:

A bill (S. 3021) granting an increase of pension to Susanne Katharina Reinhardt; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3022) to amend the law relating to appointment of postmasters; to the Committee on Post Offices and Post Roads.

(Mr. CLARK introduced Senate Joint Resolution 221, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

(Mr. BARKLEY introduced Senate Joint Resolution 222, which was passed, and appears under a separate heading.)

By Mr. CAPPER:

A joint resolution (S. J. Res. 223) proposing an amendment to the Constitution relating to the power of the Congress to declare war; to the Committee on the Judiciary.

By Mr. THOMAS of Utah:

A joint resolution (S. J. Res. 224) directing the Bureau of Labor Statistics to collect information as to the amount and value of all goods purchased by the Federal Government; to the Committee on Education and Labor.

PROPOSED CONSTITUTIONAL AMENDMENT—REFERENDUM ON WAR

Mr. CLARK. Mr. President, will the Senator from Texas [Mr. CONNALLY] yield to me?

Mr. CONNALLY. I yield provided it does not take me from the floor.

Mr. CLARK. The Vice President has ruled, I understand, that yielding for such a purpose will not take the Senator from Texas from the floor. Otherwise I would not request him to yield.

Mr. CONNALLY. Very well; I yield.

Mr. CLARK. I introduce, for proper reference, a joint resolution proposing a constitutional amendment providing for a referendum before a declaration of war may be made.

The VICE PRESIDENT. Without objection, the joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 221) proposing an amendment to the Constitution of the United States providing for a referendum on war and conscription of citizens for military duty abroad was read twice by its title and referred to the Committee on the Judiciary.

ADDRESS BY THE PRESIDENT AT CHEYENNE, WYO., SEPTEMBER 24, 1937

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD an address by the President delivered at Cheyenne, Wyo., September 24, 1937, which appears in the Appendix.]

REMARKS OF PRESIDENT ROOSEVELT AT GRAND COULEE DAM

[Mr. BONE asked and obtained leave to have printed in the RECORD the extemporaneous remarks of the President of the United States at Grand Coulee Dam, Wash., October 2, 1937, which appear in the Appendix.]

AMERICANISM—ADDRESS BY SENATOR PEPPER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator PEPPER at a meeting of the Army and Navy Union in Washington, D. C., on November 15, 1937, on the subject Americanism, which appears in the Appendix.]

EVER-NORMAL GRANARY—ARTICLE BY HON. HENRY A. WALLACE

[Mr. HERRING asked and obtained leave to have printed in the RECORD an article on the subject of balanced abundance and the ever-normal granary, written by Hon. Henry A. Wallace, Secretary of Agriculture, and published in the New York Times Magazine of the issue of the 14th instant, which appears in the Appendix.]

CHICAGO'S SALUTE TO THE RAILROADS—ADDRESS BY JESSE H. JONES

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an address entitled "Chicago's Salute to the Railroads," delivered by Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, at the fifth annual dinner of the Association of State Street Seniors of Chicago, held at Chicago, Ill., November 1, 1937, which appears in the Appendix.]

BUDGET BALANCING—EDITORIAL FROM PHILADELPHIA RECORD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial entitled "Budget Balancing—Dan-

gerous Demagoguery," published in the Philadelphia Record of Wednesday, November 17, 1937, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the motion of Mr. WAGNER to proceed to the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The clerk will continue the reading, as requested by the Senator from Texas [Mr. CONNALLY].

The Chief Clerk resumed the reading of the speech delivered by former Senator Black on April 29, 1935, at page 6532 of the CONGRESSIONAL RECORD (vol. 79, pt. 6, 74th Cong., 1st sess.), as follows:

Everything sinks into insignificance in the minds of those who have brought before the Congress a bill which is the lineal descendant of those pernicious measures which cursed the very people they were intended to benefit after the War between the States. They were a curse alike to those against whom they were directed and those for whose alleged benefit they were passed.

Mr. CONNALLY. Mr. President, may we have order in the Chamber?

The VICE PRESIDENT. It is very difficult to have order in the Chamber when the proceedings are not of interest to Senators.

Mr. CONNALLY. I agree; but this ought to be of interest to the Senate, because it is such an important bill, and here is the judgment of a member of the Supreme Court of the United States on the bill. If Senators are not interested in that kind of a speech, I ask in what can they be interested?

The VICE PRESIDENT. Senators will please be in order. The clerk will continue the reading.

The Chief Clerk resumed the reading, as follows:

I understand, of course, the sentiment which has been stirred up with reference to this particular measure. In what I am about to say I do not refer to my friend the Senator from New York, nor to the Senator from Colorado, for whom I have a great admiration and even affection. I refer to the group agitation behind this measure from its very beginning. I give the two Senators I have mentioned credit for pure, idealistic motives, and for having the honest desire and ambition in their hearts to confer a benefit upon those who, as they believe, will be benefited by this measure. But, Mr. President, there are those who constantly stir up strife and attempt to create hostility between the races, and they do so, not from idealism, not from purity of purpose, not with the idea of benefiting those they claim to benefit but frequently because they are drawing a salary from some organization, and the only way they are able to continue to obtain funds with which to pay themselves and their secretaries and assistants is by spreading the deadly fumes of hatred and race hostility.

I refer to others who are prompted by political motives, such as the man who referred to the Southern States as "conquered provinces," and who declared, as can be seen by anyone who will read Claude Bowers' *The Tragic Era*, that it was necessary to keep the seeds of hatred alive in order that his party might continue in power. When that man cracked the whip over one of the members of his party the member came to him and said, "My conscience will not permit me to vote this way"; and the reply was, "Your conscience be damned! You will vote with your party!"

Mr. President, I refer to the sentiment created by men for their own political aggrandizement or for their own financial advantage. In doing so I desire it to be distinctly understood that I recognize a distinction between a man like the one who has recently been elected to Congress from the city of Chicago to succeed Mr. De Priest and others who have gone over this land holding aloft the ancient torch of prejudice and passion and hate, thereby contributing no benefit to the people of their race; simply attempting to stir up an antagonism which does not exist between the white people of the South and the colored people of the South.

In the State which I have the honor in part to represent there is an institution which was founded by a distinguished American, Booker T. Washington. His successor was another distinguished American, Dr. Robert R. Moton. To both those men I pay at this time my tribute of respect and of admiration. In that school in the State of Alabama is another man, humble in aspirations, but great in achievement. I refer to Dr. George W. Carver. There is no spirit of antagonism existing between the white people of my State and the people who operate this institution of learning. Seated there in the midst of one of the most fertile sections of Alabama—and, I might say, of the world—in a county which has long had a heritage of men and women who think of their Government and who love its traditions, there will be found no outcroppings of prejudice or hostility or antagonism. On each occasion when there has been presented to this body any measure from

which it was believed Tuskegee Institute might receive an advantage, I have had from the white people of Macon County, Ala., messages expressing their hope that I would assist to bring about the improvements desired. On other occasions they have traveled all the way from Tuskegee, Ala., to Washington in an effort to obtain benefits for that institution.

Is it right, is it fair, is it just to the thousands of Negroes who do not feel disgraced when we mention the name of their race, but who, instead, have a feeling of pride that it is their race, is it right to them or is it right to us, who live there side by side, whose destiny must be inseparably linked the one with the other, for political advantage or for any other motive, to enact legislation which drives a wedge between the races, following up the old idea of the men in charge of the Freedmen's Bureau and the others who traveled into the South in those dark and gloomy days of desolation and despair, lured by the hope of pecuniary profit to themselves? Is it fair to us at this time, when we are working in peace and harmony the one with the other, to do something which will bring about again the spread of the flame of race antagonism and instill prejudices which, thank God, have been stifled in the hearts of most of the people of Alabama and of the other States of the South?

I realize that it may be impossible to appeal to those who think they know more about the problem than those who live with it. That has always been the case. People have always been anxious to purify somebody else. They have always been anxious to impress the ideas of those who live a thousand or two thousand miles away upon the local habits, manners, and customs of those whom they do not know. That was tried a short time ago. The memory of it is still fresh in the minds of the men and women of America. I had personally hoped that the eighteenth amendment would be a success, because I believe liquor has done a great deal to degrade mankind and to drive man from the noble plane of his highest aspirations; but it did not work as those who designed it had planned. It was found that it was very difficult for a man, perhaps from Alabama, to understand exactly the problem facing the people in the populous cities of New Jersey and New York. Is it too much, is it unfair, is it wrong for me to ask those who live in New York and in New Jersey if they think they know more about how to meet the problems of the men and women in Alabama than do the people of Alabama?

I would be the last, Mr. President, I believe, to be pleading against a measure which I believed would accomplish the purpose of raising the standard of the underprivileged in America, whatever might be their color, their race, or their creed. I have tried to demonstrate since I became a Member of the Senate that the greatest purpose of my life is by my service here to bring about a nearer approach to social and economic justice. I have gone much further than have many of my colleagues from my own section of this Nation in following along the way that I believed would accomplish that purpose. I have sought to face the situation squarely that the Constitution as it was written, for instance, with reference to interstate commerce, while it affected but little commerce and trade at the time the Constitution was written, today touches every nook and cranny of America. I have realized and sought to face the facts honestly and squarely that economically, in trade and commerce, this Nation is one, indivisible and inseparable, and that today, when the mills of New Jersey may depend upon purchasers in South Carolina or California, when the cotton grown in Alabama may depend upon purchasers in Wisconsin or California, a national problem must be met by national legislation. I have planted my foot upon that political philosophy, because I believe that there is in the Constitution, even though it could never have been anticipated by those who wrote it, a clause which, by reason of the expansion of commerce between the individuals in the different States, has brought about a new condition and a new economic era.

However, let my friends, or those of them who are familiar with the problems that faced the founders of this Republic, go back in their memories for a moment, if they will. Do they recall that all over the world it was stated that it would be impossible for us to become one nation under one flag even at the time when there were only 13 little Colonies? Do they recall that since that time the sturdy pioneers have moved westward and the flag has followed them until today it is floating in the breezes of California and Oregon all the way to the Gulf? Do they recall that the problem which faced them then with reference to attempting to have a comparatively small number of people who lived in the Thirteen Colonies under one flag and one government has been accentuated by reason of the fact that today there are thousands of miles of territory of which they did not dream, and that we now approach 130,000,000 people living in different communities and different States? Cannot even those of us who favor recognizing the indivisibility of our commercial and economic establishment in America recognize that there is a distinction which, whether we want to or not, the people will make us realize, between the habits and customs of the people who live in the State so ably represented by the Senator from California [Mr. JOHNSON], whom I now see, and the people of Maine and the people of Alabama? Do they not have their problems in California, which they have been permitted to meet in their own way, even sometimes going to the extent of passing laws which have been stricken down by the Supreme Court of the United States?

Has not my State also had occurrences brought to that Court as to which the Court declared the supreme law of the land? And

did not the Governor of the State which I have the honor in part to represent immediately after the last decision rendered by that Court, touching upon the practices of the people of the State of Alabama in connection with their courts, immediately announce that Alabama bowed before the supreme tribunal of this Nation and that her laws must and would be obeyed? Then, why, at this time, with an administration which is trying really to do something to help those people—not to affect 14 possible individuals, not to touch 14 lives, but to touch millions of human lives—with an administration which has before us now a bill which, if it shall pass, will give to every Negro who lives in the South who has passed the age limit provided in the bill for the first time a pension to take care of him in his declining years, when the administration has fed thousands and thousands of them, more than it has the people of the other race in my State, fairly and justly without any claim of prejudice, so far as I have heard, why should it now be necessary to enact such legislation as is proposed in the pending measure? We know the object of the measure; we know its history; and, with all due regard to my friends who propose it, for what I say is not meant with reference to them, because, as I have said, I have a high regard and affection for the two Senators who have offered this bill, I ask, with the knowledge of the iniquitous conception of the idea behind this bill back in the days of Thad Stevens and his group, why should it now be revived to mar the harmonious relations that exist between us, when we are working out our problems together and we have in the South committees of both races to work side by side in order that the harmonious and pleasant relationship shall not be affected?

I presume that it is unnecessary, or, at least, useless and futile, to make these remarks. It always was so in the past. It has been demonstrated in the past, seemingly, that there was only one way by which we could protect the people themselves who are supposed to be the beneficiaries of such measures as this. That way has been followed in the past, and if it shall be necessary to protect those men and women in the South—and I am talking now about the ones whom the report of the committee indicates this bill was intended to protect, the members of the colored race—from measures which might react to their disadvantage, which will play upon prejudices which do not now exist there and which carry out the old idea that was poured into their minds immediately after the War between the States that there is hatred between the two races, we stand here ready, willing, and, I hope, able to protect them in the only way that we have ever before been able to protect them from this prejudice and this passion.

Mr. President, this is about all I have to say on this bill at this time. I sincerely hope that it will not be necessary to say anything more at any time. Where there is involved the program of the President, who, I believe, by his actions and his recommendations has raised the standards of opportunity of the underprivileged more in 2 years than has ever been done before in a period of 50 years, I regret exceedingly that anything should occur to retard that program to the slightest extent.

I regret very much that it is necessary to delay, even for 1 day, action upon the soldiers' adjusted-compensation bill. I regret its delay, because I believe it provides for the payment of a just debt. I have always so believed, and I believe so now.

It seems to me that with the great progress which the Nation has made with the problem attempted to be dealt with, there can be little excuse for rejecting such a bill at this time. I was told that 30,000 people were killed in accidents last year. I believe the Senator from South Carolina [Mr. SMITH] told me that, if I am not mistaken. If one is interested in the way crime has increased in the country, I invite him to read the so-called Wickersham report which was submitted several years ago. We will have made ourselves, it seems to me, just a little absurd, in view of the magnificent progress we have made and the improved relationship which exists between the races who live in the country, if we stop the real business of the Senate in order to consider a measure which, according to the maximum figures, would have affected only 14 people last year. I do not know exactly how many it would have affected, but I know from my own knowledge and investigation that that number was not correct insofar as the alleged lynching charged to the State of Alabama was concerned, because there was none there.

So, Mr. President, vain as it is futile as I believe it to be, noting the empty seats which I see about me, with the political advantage which I know is hoped to be obtained by certain men whose party has been justly and righteously criticized by reason of its enmity toward the plain, ordinary, average, everyday man, I have assumed to utter these words; but at least I can express for the people of my State their views.

Let him who will say that those who oppose the measure favor lynching. I denounce that statement as unequivocally false. We desire to improve the relationship between the people of the Nation without animosity, sectional or racial. So far as I am concerned, even if I favored an antilynching bill, I should not vote for this measure; and I state my reason with highest respect for those who have sponsored it, though I do not know who wrote it. Even if I favored an antilynching bill, and at the same time I stood for the rights of the people of the country to organize in a collective manner and to protect themselves by strikes or otherwise, I should not vote to crucify them on the cross of a so-called antilynching bill. If we get ready to make it illegal for men to strike and to define a group of three strikers as a mob, let us do it fairly and squarely, and let us entitle the measure "A bill to

prevent strikers from meeting together and injuring the property of their employers, or, as a consequence of their meeting together, injuring or killing strikebreakers or other individuals." Let it not come under the guise of a bill which has been heralded to the people of the country as having the benign purpose of preventing lynchings when there were, perhaps, only 13 lynchings in this country last year.

Mr. President, for the time being I surrender the floor. At a later time I may discuss the matter a little more in detail.

[CONGRESSIONAL RECORD, p. 6543, vol. 79, pt. 6, 74th Cong., 1st sess.]

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. BYRNES. Just one moment, and I will yield.

The debate with my friend the Senator from New York was brought about by my statement that it is difficult to classify lynchings. The officials of Tuskegee Institute hardly ever agree with other authorities on the subject. The Day Book will show a number differing from the number given by Tuskegee, and necessarily there must be some difference. My statement was simply to show that at times it is difficult to tell how the statisticians arrive at their conclusions and figures.

Now I yield to the Senator from Alabama.

Mr. BLACK. The Senator was discussing another point, concerning which I intended to make a suggestion.

The Senator called attention to the extent to which we had reduced this particular crime in the United States. As a matter of fact, statistics show that we have reduced this crime in the United States more than any other crime on the statute books has been reduced. Take the crime of murder, for instance, in the State of New York or in the State of Alabama. Take the crime of burglary in the State of Alabama, or in the State of New York, or in the Nation. It will be found that the crime to which the bill is directed has been reduced far more than murder, burglary, robbery, stealing, or any other crime has been reduced.

The Senator asks why, if there were only 14 lynchings last year, should we pass this bill? Why should we select one class of crimes in the prevention of which we have made more remarkable progress than in the case of any others in the Nation? We have not made that progress with reference to convictions for burglary or murder.

Mr. BYRNES. I will say to the Senator from Alabama, who has devoted considerable thought to the legal aspects of this subject—

Mr. WAGNER. Mr. President, will the Senator yield to me for a question?

Mr. BYRNES. I will yield in a moment.

The Senator from Alabama refers to other offenses. If, under the Constitution, we have the power to legislate with respect to three or more persons participating in killing a human being, why, under the Constitution, cannot Congress legislate that if two or three persons participate in burglary, the offense referred to by the Senator from Alabama, they can be tried in a United States court? By what reasoning could we say that Congress did not have the right to provide that where three persons participated in a burglary they could be tried in the United States court?

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BLACK. I not only say it with reference to three, but with reference to one. This bill is based on the theory that it rests on the fourteenth amendment. The Supreme Court has held that the fourteenth amendment protects property rights as well as personal rights; and this particular bill would cover the case of burglary if it were intended to do so, because it is not limited to lynchings, as I stated, but to cases which come within the purview of depriving one of due process of law. When anyone takes a man's property from his house by burglary, he does not do it by due process of law. He does it beyond the law. There is no due process of law connected with it; so there is no reason why we should not include burglary if we include lynching. There is no reason why we should not, for instance, take cognizance of the fact that gang killings in the city of New York, in the city of Chicago, in the city of Cleveland, and in various other cities of the Nation, have not been decreasing but increasing.

We deprive people of their property without due process of law. If we are to enact Federal legislation to protect where there is the most crime, why is it necessary to shut our eyes and not see where the crime actually is? We all know there has been more crime in this country of the type of gang killings, gang rackets, racketeering, and crimes of that kind, than any other type of crime in America; and yet in this bill there is picked out the only type of crime which the American people have turned their faces against, and brought down to the lowest point in all the history of the Nation, making a record which is absolutely the most commendable of any record we have established in connection with the suppression of crime. In the case of the crimes which have been decreasing, we are asked if there are 14 crimes of a particular kind, why we ought not to invite Federal legislation. Then why not invite Federal legislation to stop the crimes that are the most prominent, the most terrible, the crimes increasing most in number and in viciousness?

Mr. WAGNER. Mr. President, will the Senator yield for a question?

Mr. BYRNES. I yield.

Mr. WAGNER. Of course, the Senator and I will surely agree upon the proposition that it is the duty of the Federal Government to see that the States give equal protection of the laws to its citizens. That is not merely a State function, but also the duty of the Federal Government. It is a mandate of the Federal Constitution. Will

the Senator tell me, if he has the statistics, how many prosecutions there have been of those charged with the crime of lynching in relation to the number of lynchings that have taken place? And, secondly, after he has given us the number of those who have been prosecuted for these crimes, will he give us the percentage of convictions?

Mr. BLACK. Mr. President, before the Senator does that, will he yield for another question in connection with it?

Mr. BYRNES. I yield.

Mr. BLACK. If he has those statistics, will he also tell us what was the number of gang crimes committed last year in Chicago, in New York, and in the other great cities of this country? Will he tell us, if he has the statistics, what percentage of the criminals were apprehended? Will he tell us what percentage were convicted?

[CONGRESSIONAL RECORD, p. 6541, vol. 79, pt. 6, 74th Cong., 1st sess.]

Mr. BLACK. Mr. President, will the Senator from South Carolina yield to me at that point?

Mr. BYRNES. Certainly.

Mr. BLACK. Unfortunately the Senator from Kentucky is mistaken. I analyzed this morning the first paragraph of the bill. All the Senator has to do is to read the bill in careful detail to see that no such requirement is there. As a matter of fact, it is provided under one of the clauses that he must be in prison or in custody or must be suspected of a crime, but under another clause, all that is necessary is that three or more persons shall meet and as a consequence of their meeting together the man or the corporation—because the provision includes corporations—shall be deprived of due process of law, or be deprived of equality under the law.

I know the keen legal mind of the Senator from Kentucky, and the training he had on the supreme court bench. I would suggest that the Senator read the bill carefully and in connection with it the brief of Mr. Tuttle, which is a very able brief. He will find there are three different conditions which control the group of three people and bring them within the definition of a mob. Two of them do not require that it be an injury to someone who is in custody or has been suspected of a crime.

Mr. BLACK. Mr. President—

Mr. BYRNES. I yield to the Senator from Alabama.

Mr. BLACK. The Senator from New York asked if there was any misunderstanding on the part of anybody as to what a lynching is. I called attention today to the fact that Alabama has been charged with a lynching, and I gave the facts. They are the facts as stated, even in the publication which referred to the occurrence as a lynching. I challenge anybody to make the statement, under those facts, that that was a lynching. That is one case where there was clearly a mistake.

Mr. BANKHEAD. Mr. President, I should like to have my colleague restate those facts.

Mr. BLACK. It was a case where three girls were held up by a man with a pistol, and one of the girls broke away and went to a nearby meeting and told the persons at that meeting that they were being assaulted; and men in the meeting rushed to the place, and the man who was assaulting the girls proceeded to break away and shoot at them, and they shot him and killed him. That is the "lynching" which was charged up to the State of Alabama last year!

Mr. BYRNES. And under this bill the family of the rapist in that instance would be entitled to sue and recover \$10,000!

Mr. BLACK. He did not succeed in his purpose. The men got there before he could take the girls away, even at the point of a pistol.

Mr. BYRNES. The man was committing the assault then, with intent to commit rape.

Mr. BLACK. But here is the point: The Senator from South Carolina calls this an antilynching bill. He read the title of the bill, and designated it as an antilynching bill. I submit that the only place where it can be said to be an antilynching bill is in the title. I submit that the bill covers far more than an antilynching measure does, as I have set out here today.

[CONGRESSIONAL RECORD, p. 6544, vol. 79, pt. 6, 74th Cong., 1st sess.]

Mr. BYRNES. Mr. President, I wish I could agree with the Senator.

Mr. WAGNER. I shall give the Senator the statistics.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BYRNES. In just a moment.

In the first place, the Senator from New York could not give me any statistics because they never have been able, in the city of New York, where he lives, to keep up with the number who are killed each year, and the Senator knows it. Many crimes are committed where the criminal could not be detected because of the great population. The Senator from New York can never be able to give the statistics of human beings who have lost their lives. The Senator says that in no case has there been any connivance. Hereafter I shall endeavor to keep a little scrapbook for him about such matters, because I know it would enlist his sympathy.

Mr. BLACK. Mr. President, will the Senator remind the Senator from New York of Lieutenant Becker?

Mr. WAGNER. Yes; and Becker was prosecuted, convicted, and executed.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Chair understands that completes the reading.

Mr. CONNALLY. Mr. President, may I inquire whether the clerk has read all that Senator Black said on that subject?

The PRESIDING OFFICER. The Chair is informed by the clerk that he read Senator Black's complete remarks.

Mr. CONNALLY. Mr. President, within the remarks of the present Mr. Justice Black, then Senator Black, of Alabama, we have a complete and profound repudiation of the constitutional theories offered by the Senator from New York [Mr. WAGNER] in the so-called antilynching bill.

What Senator Black said in this Chamber was a reflection of what the Supreme Court of the United States, of which he is now a part, has decided in numerous cases in the years that are gone. Mr. Justice Black in the course of his remarks cited decisions of the Supreme Court of the United States, and all who are lawyers know that the doctrine of that Court is to follow judicial decisions and precedents of other times and other years. The views expressed by Mr. Justice Black on the constitutional phases of this subject were not initiated by himself, they were not originated by himself, but he was following the solemn pronouncements of the Supreme Court of the United States, and he is now a portion of that Court.

I see the junior Senator from New York now enters the Chamber to sponsor his legislative child, to be here while we discuss it. I am sorry the Senator from New York did not listen to the pronouncements of Mr. Justice Black. I am sorry that he did not hear those arguments. I am sorry that he did not give consideration to them.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WAGNER. I was out of the Chamber exactly 50 seconds, so the Senator is mistaken when he says I did not hear what was read.

Mr. CONNALLY. I am glad the Senator heard the arguments.

Mr. Justice Black was recently nominated to the Supreme Court. His nomination came before the Senate of the United States for confirmation, and the Senate, by an overwhelming vote, confirmed the nomination of Mr. Justice Black, knowing what his views on this bill were and knowing what his judgment would no doubt be on the Supreme Court, because these extended remarks of Mr. Justice Black were written here in the RECORD, not by the moving finger that writes and then moves on but by an indelible record that neither time nor place nor circumstance can erase.

I read the names of some of those who voted to confirm Mr. Justice Black. I find here the name of the junior Senator from New York [Mr. WAGNER]. The junior Senator from New York voted in this Chamber to put Mr. Black on the Supreme Court, and when he did so, he knew what Mr. Justice Black's views on this bill were, because he had heard them here in the Senate, he had read them in the RECORD; they were before him and he knew that Mr. Justice Black, under his oath as a Senator, regarded this bill as completely beyond the constitutional power of the Congress; and knowing that, the junior Senator from New York voted, "Yes; we want him on the Court. We believe in his judicial integrity. We believe in the soundness of his views on constitutional problems."

One may differ about the economic views of a judge, one may differ with a judge as to his religious views, one may vote to confirm a man whom he cannot approve in all of his political angles, but we cannot vote to confirm a judge unless we believe in the integrity of his views and in the soundness of his views on questions of law. If I am in error as to the Senator from New York knowing the position of the Senator from Alabama on this bill, I pause now for the Senator from New York to deny what I have said. His silence indicates that the Senator from New York knew Senator Black's position. I want the word to go back to Harlem that the junior Senator from New York, knowing that Mr. Justice Black regarded the antilynching bill as absolutely unconstitutional, beyond the power of Congress, solemnly voted to put Mr. Black on the Supreme Court. They are just getting ready to

give Rastus a run-around, pass a bill and talk to him about it, and then put people on the Court who will declare the law unconstitutional; get his vote, die on the ramparts in behalf of him, and then slip around and pick his political pockets, while he is not looking, through the Supreme Court.

I observe other Senators who are enthusiastic for this bill who voted to put Mr. Black on the Supreme Court. I see here the name of the senior Senator from Missouri [Mr. CLARK]. He voted to confirm Mr. Black and put him on the Supreme Court, knowing that his views were as they are on the antilynching bill and knowing that he held that bill unconstitutional. If he believes in the integrity of Mr. Black, if he believes in his honor, if he believes in his intelligence, if he believes in his character, he knows that Mr. Justice Black cannot eat his words when he gets on the Court.

Mr. President, that is the record. If it is not the record, let someone rise here and deny that it is the record.

I shall not read all these names. Someone will say that I voted to put Mr. Black on the Court. Yes; I did. I regard him as sound on these great constitutional questions.

I do not agree with some of Mr. Black's views on other things, but I regard him as constitutionally sound on these great fundamental questions, and the great fundamental, outstanding questions are what the junior Senator from Texas believes in.

Mr. President, we can attend to the little, incidental things, but if the Government is to survive, if our country is to continue to be a Union of States, and if the States are to continue to be States, we have to maintain the historic, the traditional boundaries of jurisdiction under the Constitution of the United States. When Representatives and Senators, under the whip and the spur of expediency to get votes, are willing to pass any kind of legislation, then I thank God that we have a Supreme Court to keep us back within our jurisdiction. I thank God that we have a Court which can say to the Congress of the United States, "Mr. Congress, you get back on your side of the road. You cannot do this thing." I thank God that we have a Supreme Court that can tell the Chief Executive of the Nation, if need be, "Mr. President, you cannot do this thing under the Constitution." I thank God we have a Supreme Court that can say to a State, "Mr. State, you are sovereign, but you are only sovereign over those things that fall within the sphere of your jurisdiction, and when you go beyond your boundaries, when you go outside of your legislative circumference, you must go back, Mr. State." Thank God we have that division of powers. We have it, not by precedent, but we have it by written Constitution, in black and white, and we have a Court to interpret it and to define it.

Yes, Mr. President, I voted to confirm Mr. Black. Many people got up and made a lot of noise after Mr. Black had already been confirmed. I gave out a statement at the time deprecating that. I said that it was an assault on the President; that it was an attack on him through Mr. Justice Black; that Mr. Justice Black had been appointed, he had been confirmed, and there was nothing to do about it; that it was a closed incident.

I am opposed to political snipers attacking the President and seeking to embarrass him for things concerning which perhaps he had no knowledge whatever. Regardless of his knowledge, however, the Senators who voted to confirm Mr. Black did have knowledge of his views on the antilynching bill and the constitutional powers of the Congress.

Yes, Mr. President, they are going to give the colored voter the run-around. It is just a little shell game—a little legislative shell game. "Now you see it, now you don't." "We will get the votes and the Court will come along and knock it out." And they will whisper to you under their breath, "God bless the Court. Thank God, the Court held unconstitutional that fool bill that we had to pass."

I ask the senior Senator from South Carolina [Mr. SMITH] whether, within the last 2 or 3 days, Senators have not sidled up to him and whispered in his ear and told him how they hated to swallow this thing, but they just had to do it? Just like when you were a boy, when they gave you a blue-mass

pill as big as a hickory nut, they told you how much they hated to give it to you, but they just had to do it to save your life and to keep you well. [Laughter.] Why, has not your mother come to you with a tablespoonful of castor oil and, making you take it, tell you how much she hated to do it, but that it was necessary to make you take it in order to save your life? That is the way with some Senators. They do not want to vote for the bill; they do not believe in it; but election time is coming, and "We must get these colored votes, because if we do not get them somebody else will get them." [Laughter.]

Mr. President, I am not going to read the names of other Senators. I do not want to embarrass Senators. I am not going to read all the names of Senators who voted for confirmation of Mr. Black, knowing that his views on anti-lynching legislation were sound. Senators all know how they voted. If any Senator does not know how he is recorded I shall be glad to pause and advise him. It is here in the Record. I have the roll call here before me.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I will yield for a question only. Yes, Mr. President, I will yield for a question only, under the rules. I cannot yield for anything but a question, and a short question at that. [Laughter.]

Mr. McKELLAR. I was one of those who voted for Mr. Black, and I want to say that I have no apology to make for it. I think Mr. Black will make one of the best Justices that the Court has ever had.

Mr. CONNALLY. I have already said that the junior Senator from Texas voted for Mr. Justice Black. The President appointed him. The President wanted him. When we passed on Mr. Black's character and his ability, those are the only two things that I regarded. I regarded Mr. Black as an honest man, and after hearing his speech read, hearing it a second time, I know he is an able man. I know he is sound on his constitutional decisions.

Mr. President, at the last session of the Congress I made a very exhaustive speech on the constitutional aspects of this legislation. Of course, many Senators did not hear it. Those who did not hear it will not read it. There is no use of my consuming more of the time of the Senate in repeating all the arguments which I made at that time. But let me say that I thank God there are some Senators here, such as the senior Senator from Idaho [Mr. BORAH], who thinks so much of the Constitution that he is unwilling, even for the sake of political advantage, to support a measure like this. The senior Senator from Idaho, at the last session of Congress, made a speech demonstrating the absolute unconstitutionality of this particular measure, and I am heartened by the fact that the senior Senator from Idaho will, in the course of this debate, make an address which I hope the newspapers and the press will carry to the country in order to disabuse the minds of some of those narrow and prejudiced people who try to make it appear that because we oppose legislation of this character we are defending lynching.

Mr. President, I am just as much opposed to lynching as is the junior Senator from New York [Mr. WAGNER]. I believe I am more opposed to it than he is. I am opposed to lynching human beings and I am also opposed to lynching the Constitution of the United States. I wish I could say as much for the Senator from New York. I am opposed to lynching black men and also opposed to lynching white men. The Senator from New York, if his bill means what it says, is not opposed to lynching white men provided they live in New York. [Laughter.] Here is what his bill says. His bill exempts gangsters. I want the newspaper men, if they are going to write anything at all about this bill, to write something about that particular part of the bill. Here it is, page 7. They have got it in quotation marks so there will not be any mistake as to what it means:

That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

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Mr. President, if a bunch of gangsters and racketeers get up a mob and murder somebody over on the East Side, they are exempt from the Federal law. But if, in the State of Texas, where the junior Senator from New York does not live, and where he does not expect any votes unless he shall run for President, somebody does such a thing, then, of course, that is lynching.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. Only for a question. I want to be meticulous, Mr. President. The Senate rules are rules. Draco wrote his laws in blood. The Senate writes its laws in wind. When it wants to violate them it violates them, but when a Senator whom we do not like is speaking, and we do not agree with his words, the Senate rules are resurrected. I yield for a question—a very pointed and sharp question.

Mr. McKELLAR. Is it not true that if, for instance, the gangsters or the racketeers in New York City were to kill a colored man there they would be exempt?

Mr. CONNALLY. Oh, yes.

Mr. McKELLAR. It does not have to be a white man?

Mr. CONNALLY. That is true.

Mr. McKELLAR. Even if racketeers take a colored man and hang him, or if they lynch him in any way they please, they are excused.

Mr. SMITH. But that is in New York.

Mr. McKELLAR. But that is in the places where the racketeers or the gangsters reside.

Mr. CONNALLY. Mr. President, we are supposed to have a free press in this country—I do not mean free to all of us, for many of us cannot ever get into it—but I want to ask the members of the press in fairness, those who represent New York especially, to carry back to New York what I have said about the junior Senator's vote on the confirmation of Mr. Black, his views on the Constitution, and his views on the bill which it is now proposed to take up. I want them also to carry back to New York the provision of this bill that exempts their own gangsters from the operation of this proposed law.

Senators, we are supposed to have uniform laws in the United States. When the Congress makes a law it is supposed to apply to every section of this Republic; it is supposed to lay its obligations and its prohibitions upon every citizen, white or black. The only question is the character of the crime. If it is the same, it should be treated the same, but under the benign bill of the Senator from New York [Mr. WAGNER] it is provided that if Dutch Schultz, over on the East Side, down by the Bowery, or over close to the Battery, gets a bunch of his gangsters together and they go out and hijack a jewelry store or a dressmaking establishment or a beauty parlor [laughter], and in the process of robbing it they commit a murder, that crime is not within the provisions of this proposed law. They go into court, and with a shrewd lawyer they say, "Mr. Judge, you have got us under the lynching law that our own beloved Senator had passed, but under that bill we are exempt"; and they enter a special plea. Now comes a defendant who shows to the court that he is and has been a gangster; that he has been a racketeer and is now and has been a member of a group of lawbreakers, and, as such, he claims the privileges of section 2 of the bill under which he is prosecuted. He begs the court to discharge him, and the court would have to discharge him and turn him loose to the State court and to the State prosecution.

Mr. President, talk about murders in New York—there are more murders committed in New York in a week or a day than there were lynchings throughout the United States for the entire year 1936. I wonder if the Senator from New York remembers a very distinguished constituent of his, Mr. Dutch Schultz? Does the Senator have any recollection of that distinguished character? Dutch Schultz and three of

his gangster companions were murdered one day by another gang. Later on in the day the same gang killed four members of another gang. It was not done by individuals but by groups associated together, who would come within the terms of this bill except for the exception. What happened? I state this on information—and if I find the facts are not correctly stated I shall repudiate them—I am informed that the State of New York, the police department, the great administration of the State of New York has never yet punished one of those who committed those seven murders; the Federal Government cannot prosecute them under this bill; and yet those who sponsor this bill want to put this odium on my section of the country. I know what this is, Mr. President. This is simply a shameful insult to the southern section of the United States. That is what it is.

I have no apology, Mr. President, for coming from the South. My forefathers have lived in the South, beginning in Virginia, since the late 1740's. My great great grandfather was a soldier in the Revolutionary War. While the ancestors of some of those who are urging this bill were marching under the imperial banner of Frederick the Great or under the banners of Emperor Napoleon, the ancestors of many of those in the South who stand on this floor were fighting the battles of this Republic and were serving their country. I have no apology for coming from the South. We have our burdens; we have our problems; we have our weaknesses; we are not perfect, of course; but, Mr. President, I am getting very weary of noting that when some scapegoat has to be selected, when somebody's dog has to be kicked around, when some section has to be insulted, the South is always picked out as the victim. Oh, they know we are going to vote right; they know we "vote the ticket," as a rule; they know that our delegates will be at the political conventions. They know that we have none of our brothers running for President of the United States, and that we have not had for, lo, these many years. God bless us, we have one citizen in our State now, however, who would, if the democracy of the Nation should call him to lead us, make a great President of the United States. All who hear my voice I think understand to whom I direct my remarks, that is, the distinguished character who is now—I do not want to run you out of the Chamber, Mr. President; come back—President of the Senate.

We have never expected one of our own to be the nominee for President; but whenever a man from another section who obtains a nomination gets our votes in his pocket and then somebody has to be kicked around, it is said, "Bring out the old South, bring her out, and we will kick her around a while. Oh, we cannot kick anybody around out in the Northwest; we have got to play with those little boys; we need those fellows. They may not be Democrats, no; they may not agree with our fundamentals of government, but we cannot say anything about them. Nor can we say anything about lawbreakers in certain lines of endeavor. If they are gangsters, let them kill each other off, and good riddance. But if we can frame up something that would insult the South, something that will heap odium on the South, bring it out, and we are for it."

"Oh, they are a lot of barbarians down in the South"—that is what some people think of us—barbarians. Ah, Mr. President, we were not barbarians when Virginia was settled; we were not barbarians in the Revolutionary struggle when George Washington and other great Virginians and other great Southerners led the Armies of the Colonies in time of war with a foreign king. We were not barbarians when many Southern men in that day and time sat in the councils of the Government and were Presidents and members of Cabinets and members of the Supreme Court. We were not barbarians in the War of 1812, and we were not barbarians during all the history of the past. But now, forsooth, we must reform this barbaric section. Mr. President, I resent it. If I have feeling about these matters, it is because I think I understand something of the motives behind these measures; and I think I know something about the history of this country that perhaps some other Senators

who have not been here so long as some of the others of us do not understand.

We do not believe in lynching. I want the newspapers to get this. I am not defending lynching; I am against lynching; it is murder. I believe in the processes of the courts; I believe in the Constitution that guarantees a man his life and his liberty and his property and his right of freedom of speech; and I do not believe that any functionary on earth has a right to deprive a man of his life or his liberty except under the forms of law and in a court of law and under the constitutional processes of this land; but, with regard to civil rights and with regard to the ordinary police powers, the duty to act is within these great States of ours. Whenever the Federal Government says that it will transgress its jurisdiction and make the Governors of the States its servants, make them its vassals; when the Federal Government goes out and says, "We will subordinate the courts of the States and will make them liege servants of the Federal Government, we shall tell them how and when they shall perform their functions," then, Mr. President, there is no longer a union of States; there is a consolidation; there is an empire with its provinces. No longer will it be a union of States when Federal functionaries meet to direct the minutiae of State administration. If the Federal Government can dictate to the State courts about matters purely within State jurisdiction, why may it not tell the State how it shall lay its taxes; how much it shall put on land, how much on houses, how much on income, and how much on this, that, and the other. If it may tell the courts of the States what they may do and what they may not do, why can it not go into municipalities and tell the mayors and tell the councils what they may do and what they may not do?

But it is said we have got to stop lynching. I wish to read some statistics. In 1936, last year, from the cold—politically cold, at least—shores of Maine to the warm and flowing waters of the Pacific that wash the coast of California, from the pine forests of Washington to the delightful waves and sands of Palm Beach, only nine lynchings occurred within the United States in 1936—nine in the entire United States.

I wish there had not been any. Had I had control of the situation there would not have been any. Had I been judge of any court into which a prisoner had been brought I would have endeavored to have peace officers or the militia there to protect the defendant and to protect the court in the administration of justice.

My own Commonwealth, the State of Texas, in 1936 had not a single lynching within its boundaries. With a population approximating that of the great metropolis from which the junior Senator from New York comes, not one lynching did we have. In the meantime, while we were not lynching anybody, Dutch Schultz and six of his companions were lynched on "the sidewalks of New York." [Laughter.] Then the junior Senator from New York runs down to Washington in order to cure this terrible situation, as he calls it, and wants to enact a Federal law against my State, populated with barbarians, southerners, "ignorami," [laughter] where we had not lynched anybody in 1936, and then he proposes by specific enactment to exempt his own city and his own State, where gangsters are murdering and cutting throats every chance they get. [Laughter.]

Mr. President, for the information of the junior Senator from New York let me say that Arkansas had two lynchings in 1936, California had none, Florida had one, Georgia had five, Mississippi had one, and that is all there were in the South. Let us call the roll of some of those States that had no lynchings. What is this terrible condition that calls out for the exercise of this tremendous Federal power? What is this urgent demand for setting aside the farm bill, which we are obliged to consider? What is this urgent demand that causes the junior Senator from New York thus ruthlessly to set aside the President's program? What is that program? Reorganization. When? Some time, but we do not know when.

"Let us look after what is happening in South Carolina, a terrible situation," says the junior Senator from New York;

and South Carolina did not have one lynching in 1936. Yet the junior Senator from New York and others stand here and point a shaking finger of scorn at South Carolina and Texas, and say, "Ah, we have to reform the backward sections. We must! We must! We come from the intellectual stratum at the top, we whose bodies and souls are actuated with noble thoughts of justice and righteousness. It is our God-given nature to reform you folks in the South, make you over, change you, and we are going to do it by means of a Federal law. We are going to make you over."

Let us see what States in the South did not have a single lynching in 1936. West Virginia had none. Who is it from West Virginia that wants to insult his State by now enacting a law like this one? The hands of West Virginia in 1936 were clean and white, while New York's hands were bloody up to the elbow [laughter], covered to the elbows with blood, and yet the junior Senator from New York says we must enact a law to regulate West Virginia.

Let us see what other States were free from lynching in 1936. Virginia—old Virginia, God bless her, a grand old State of heroic tradition and noble background. She may not be as rich in soil as some of the States. She may not have fertile river bottoms. Her factories may not be as numerous or as great as some in other sections. But, Mr. President, there is no State in all this great aggregation of Commonwealths that can rise above the glories and the splendors of Virginia's past. Leader in the War of the Revolution. Leader in the Declaration of Independence. One of her sons, the general of the armies who won the Revolution. One of the directing forces in this Republic for more than a generation. One that has given of her best in all the days of the Republic. One that has within this Chamber a great and splendid character in the person of the senior Senator from Virginia [Mr. GLASS] and a great and splendid character in the person of the junior Senator from Virginia [Mr. BYRD].

As to the senior Senator from Virginia, I do not believe the flag waves over a truer patriot or a more courageous and outstanding citizen than that little fellow with snow in his locks and great honors on his shoulders—the senior Senator from Virginia [Mr. GLASS]! Virginia is clear and her hands are clean. I am glad the Senate is honored by the presence of the senior Senator from Virginia, and I pray God he may be here another quarter of a century.

Virginia is clear, Utah is clear, with not a lynching in 1936. Texas is entirely clear and her hands are clean. Let me say to the junior Senator from New York, "When you shall have cleaned out your own Augean stables, when you shall have washed the blood off the hands of your own people, when you shall have cleansed the criminal souls of thousands of your own citizens, then I invite you to come down with your missionary spirit and your witch-burning zeal, and talk to my people about reform." [Laughter.]

Tennessee, the old Volunteer State, the land of Andrew Jackson, James K. Polk, John Sevier, and the able senior Senator from Tennessee [Mr. McKELLAR], Tennessee is clear. From the mountains of east Tennessee, with their corn stills up in the ravines, to the river lands that touch the Mississippi, not a single lynching took place in 1936. Yet the junior Senator from New York, with his little legislative microscope, goes searching through the hills of Tennessee, down through the bottoms of the Mississippi, to try to find somebody to prosecute for violating the proposed lynching law, when at his very feet are murders, when ringing in his ears are the shots of machine guns over on the East Side, where his own citizens are being shot down in cold blood. Yet those who fire those shots and commit those murders are to be exempted by specific acts of the Congress. How many Senators are going to vote to exempt them? If a Senator shall vote to take up this bill he will vote to exempt them because the bill has that exemption in it. Whenever a Senator votes to take up the bill he does not vote to take up a part of it. He is not voting to take up only two or three lines. He is voting to take it all up.

I would commend the junior Senator from New York to that old poem about Sir Galahad. Sir Galahad was going out

to hunt the Holy Grail. He put on his armor. Yes; he put on his armor. If it was in July, he probably suffered a good deal with that armor. He put on his armor. Then he put on his gauntlets up to his elbows. Then he got out his old lance, and he mounted his favorite charger, and he was going out all over England to find the Holy Grail. Then he searched until he was weary and worn and broken, and his spirit was in despair, and he could not find the Holy Grail. Finally, when he came back home and had almost given up he found the Holy Grail above his own mantelpiece. It has been a long time since I read Sir Galahad. Anyway, when he came back he found the Holy Grail at home.

Let me suggest to the Senator from New York, whose soul is so riven by desire to enforce the law and to protect constitutional rights, that if he will cease his efforts to emulate Sir Galahad—going out all over my State, where there are no lynchings, and going out all over the State of Tennessee and all over West Virginia and Virginia, hunting somebody to punish for murdering somebody else—if he will simply go back to New York and read the morning newspaper, if he will listen out of his window to the staccato sound of the machine-gun with the gangsters and the racketeers and the lawbreakers, he will find more than he can do. He will find the "unholy" grail resting on his own mantelpiece.

But he is going to exempt them. I can read, but I do not always understand; but I am wondering if there is some kind of a catch in this clause about exempting the gangsters and the lawbreakers and the racketeers. The framers of the bill were so afraid they would include some of them under the bill that they put in all three terms in the exemption. If a man is a gangster, he is out; or if he is a racketeer, he is out; or if he is a lawbreaker, he is out. I suppose the Senator wanted to include in the protection of this great measure as many of his constituents as he could possibly find. [Laughter.]

Of course, he also exempts violence during picketing or boycotting in connection with labor disputes. Join the union and it is all right to mob people. So, in his watchfulness, the Senator from New York provides that if you want to mob anybody, join the union and picket, and it is all right; you can mob them, and you are not eligible under the bill.

It is a heap harder to get on the eligible list for appointment as rural carrier than it is to get on the eligible list for exemption from the penalties of this bill. I wonder how that provision came to be put into the bill. I am just curious about it. It was not in the House bill, as I remember. We have the House bill here, but the Senate committee struck out everything in the House bill. I find nothing in the House bill exempting anybody. Would some member of the Judiciary Committee who really attends the sessions, and knows what goes on in the Judiciary Committee, mind telling me how that exemption got into the bill? Is there no member of the Judiciary Committee who is bold enough to rise and tell me how it got into the bill? The chairman of the Judiciary Committee, the Senator from Arizona [Mr. ASHURST], was here a moment ago. I know he did not put it in. I just wonder how it got into the bill. Will any Senator who is not a member of the Judiciary Committee tell me how it got in?

Mr. President, I pause for information. I pause for a reply, if there is any other Senator here who knows how that provision got into the bill. Does the Senator from North Carolina [Mr. BAILEY] know how it got into the bill? Does the Senator from West Virginia [Mr. NEELY] know how it got into the bill?

Mr. NEELY. Mr. President, the Senator from Texas is a member of the Judiciary Committee.

Mr. CONNALLY. I was not a member of it at that time.

Mr. NEELY. Nobody is better informed than the Senator from Texas about the proceedings of that committee. [Laughter.]

Mr. CONNALLY. Well, Mr. President, I am a junior member, and in the presence of seniority I never dare speak until seniority has first spoken. Therefore I called on the Senator

from West Virginia, who is a member of the Judiciary Committee, thinking that I would get some information.

Mr. NEELY. Mr. President, the Senator's silence on this occasion is very appealing to me, and I appreciate the modesty with which he has deferred to my seniority, but I still insist that the Senator from Texas is better informed than almost any other Member of this body about what transpired in the Judiciary Committee.

Mr. CONNALLY. Mr. President, I thank the Senator. I will admit that on most things I am wise and well informed [laughter], but, frankly, I was not consulted about this bill. The subcommittee came in one morning and said, "We have the lynching bill." The committee said, "We are going to report it." I said, "Well, of course, you have the votes. I am against it"; so I do not know how it was put together. I do not know how the joiners and the carpenters put the thing together. I know they came in with a bill, but I was not in the chemical laboratory when they poured in the different potions and the different elements and the different chemicals to make up this structure.

I wish I could quote that reference of Shakespeare in Macbeth about the witches' dance, when they put in the frogs' toes, and the newts' eyes, and the owls' wings, and the entrails of the snake, and the bitterest part of the polecat [laughter], and all that sort of thing. I should like to be able to put that in the Record, and I suspect that the official reporters can do it, because I have found out that the official reporters who report these debates know much more about Shakespeare and other things than Senators who try to quote them; so all I ever do is just to sort of hit the quotation, trusting that they will go to Shakespeare and get it correctly.

I fancy that is somewhat the way this bill was compounded. One of the Senators said, "Well, we shall have to do something about this. There are a lot of voters like this in my State. There are some people down in Florida or somewhere else, and we shall have to reform those fellows." Then probably the Senator from New York said, "Well, now, wait a minute, boys. I am for that, but we shall have to look after our own people here. We shall have to let the racketeers out of this bill. We must not include them. We cannot get hold of the gangsters, because while I shall get probably forty or fifty thousand colored votes with the bill, if I do not exempt the gangsters I shall lose a hundred thousand gangsters' votes." [Laughter.] He probably said, "Now, I know that may be regarded as expediency. That may not be regarded as a great fundamental principle; but, you know, we here in New York have to be practical with our politics. We have to be practical men," in the language of the great Roosevelt the First. He said to Mr. Harriman, I believe, "Mr. Harriman, you and I are practical men."

I dare say that the Senator from New York went before the subcommittee, or if the meeting was not in the subcommittee room, I suppose it was in some little committee room like the one where they had the meeting the other day to take up this bill. I do not know. I am not consulted about things that take place in the Senate until they telephone me to come over because they want my vote. [Laughter.] Then they get me over here. I never know in advance what is going to happen in the Senate. So my information is that the way this bill got up was this, and if I am wrong I want to be corrected:

The leadership—and when I say "leadership" I do not mean simply the Senator from Kentucky [Mr. BARKLEY]; I mean the little group that rather try to make him appear to be a Charlie McCarthy—this little group get together, and they say, "Well, we want this lynching bill up." Somebody says, "But the President wants the farm bill up, and we are pledged to it." The Senator from South Carolina [Mr. BYRNES] says, "If the farm bill is not ready, we want the reorganization bill considered. We are ready on that bill." I understand they had this colored man in the meeting; and I have no objection to his being a colored man. I am not prejudiced against colored men. I protect them in my State. I have defended many a one against a white man, and won

his lawsuit, too. I cannot say what I heard [laughter], but there was a colored man up here, a fellow named White. He runs the Association for the Advancement of Colored People. I do not know what happened; I cannot say what happened, because I was not there. Frankly, I was not called in on this bill. They did not ask me whether I wanted it to come up or not.

It is a great pleasure, though, to be in the rear ranks. You know, if you are a general or a colonel, you have a lot of responsibility. I see before me a distinguished gentleman who was a colonel during the World War. But if you are just a private, God knows you do not have to think. You do not have to worry about strategy or questions of supply. You do not have to bother about logistics, or tactics, or the line of supply, or communications. All you have to do is just do what they tell you. You just take your place in the rear ranks and do what they tell you to do. There is no trouble at all. You may have to get up a little earlier than the other fellows. Of course, you have to get up earlier than the colonel does, and you have to work harder than the colonel does, and you do not get much pay. The colonels and the generals get the pay; but, then, you do not have any responsibility.

So as to this bill I am just a private. I am not considered or consulted as to what we want or what the opponents of this measure want. We are like Tennyson's Six Hundred who charged down at Balaklava. It is not ours "to reason why"; ours "but to do and die." So I am not complaining. I am glad I was not consulted. I am glad I was not in that little conference. I do not know who the white men were who were there, but I know that this colored man was there. I know the President was not there, but his requests were there. The President's request that we take up the farm bill and the President's request that we take up reorganization were both there, because here they are in the Record. Then there was a colored man there, and the colored man won out over the President. What the colored man wanted done was done, and the President's requests were thrown into the wastebasket.

Do you blame me for talking plainly here?

Let us see what Kentucky did about this thing. Why, Kentucky did not have a single lynching in 1936, and this provision will let out all the feudists in the mountains of eastern Kentucky. They are not eligible. They can kill all the people they want to if they will do it under the name of a feud in Kentucky. I am amazed that my good friend, the beloved leader here, the senior Senator from Kentucky [Mr. BARKLEY], should sponsor this bill. They do not have any lynching in Kentucky. They do not call it "lynching" there. They call it just a little disagreement. [Laughter.] They have a little social disagreement over in the mountains of eastern Kentucky, and they just get out their old Enfields and shoot all the insides out of half a dozen fellows, and that is just a feudists' disagreement. It is not a lynching. [Laughter.]

But if there is one little lynching down in the South, these Kentuckians from their mountain tops adjust their legislative telescopes and point the finger of scorn at us and say, "Oh, it is terrible. We have to have a Federal law on them." Those ravines over in eastern Kentucky are just full of feudists. Have you an open season where you allow them to shoot so many a month? [Laughter.] We have quotas in nearly everything, and I thought probably there was a quota in Kentucky for certain months or certain periods. [Laughter.]

Let us see what other States did not have any lynchings. I believe I mentioned Tennessee. South Carolina did not have a single lynching in 1936. South Carolina is the particular object of the reforming and scorning and mudslinging and character assassinating of people who want to throw odium on the South, and it has been for a hundred years. "Terrible South Carolina." Yet there was not a single lynching in that great old State of South Carolina in 1936. It is a great State, it has been a great State, represented in this body by great Senators. I am not going to

stand here and see South Carolina maligned and insulted by the Senator from New York.

Even the Senator from New York would be welcome in South Carolina. We would welcome him, even though he is the author of this outrageous, pusillanimous piece of legislation. I denounce it. I do not denounce the Senator personally.

We know there are many men who have two identities—one is personal, the other is official. The junior Senator from New York personally is a man of fine, affable, friendly qualities, but officially he is a different man altogether. He is tolerant in his private views, tolerant of other people's opinions, kindly, generous, and, I understand, a good provider for his family. [Laughter.] But when it comes to officially, he is a wholly different character, going around, figuratively speaking, with the instruments of the inquisition, and the inquisition, we know, is always designed to punish some other fellow away off over yonder, nobody at home, these benighted sections, these benighted areas. [Laughter.] That is the spirit of the missionary. "Turn our gangsters loose, turn our racketeers loose, but for God's sake civilize those southerners." [Laughter.]

Well, there were no lynchings in South Carolina. Next is Oklahoma. There was not a lynching in Oklahoma in 1936, Oklahoma, the land of Al Jennings, who used to rob trains and hold up banks, the land of the Dalton brothers, and the land of half a dozen other bands in the early days—Jesse James and Frank James and others. I do not know whether the James brothers ever got as far as Oklahoma or not. They were awfully busy up in Missouri most of the time. But in Oklahoma there was not a single lynching in 1936. Yet this bill is leveled at Oklahoma. They are standing here pointing the finger of shame at Oklahoma.

In Ohio there was not one lynching in 1936. There is a funny thing about Ohio. They are worried about this bill and want the colored vote. I understand that the constitution of the State of Ohio until 1923 contained a clause prohibiting the colored people from voting. Of course, it does not amount to anything, because the Federal Constitution overrode it and gave them the right to vote. I may be in error, but I have been told that, so far as the literal language of the constitution of Ohio goes, it contained such a clause prohibiting colored people from voting until 1923. We let them vote in Texas. They vote just as the white people do. If they pay their poll taxes and want to vote, they vote; and we do not steal their votes, either. We do not steal them. I see that in New York there is an investigation on foot about that. I do not know whether those charged with stealing votes in New York were guilty or not. Of course, they will not come under this bill. When votes are stolen up in New York, I do not know what kind of rewards are given, but they do not punish the guilty parties.

In Texas we do not steal the colored man's vote and we do not discriminate against him in the matter of money for schools; we give him the same school money we give the white man, and we have institutions for the higher education of the colored people. We are trying to live with them and uplift them and help them. We are not seeking to exploit them politically while robbing them industrially and in every other way possible.

Let us see what other outrageous State there is in this Union that has to be worked over, castigated.

LOAN OF PORTRAITS TO CONSTITUTION SESQUICENTENNIAL COMMISSION

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. Will it take me off the floor?

Mr. BARKLEY. No.

Mr. CONNALLY. Is the Senator from Missouri in the Chamber? If he is out of the Chamber, I will take a chance. [Laughter.]

Mr. BARKLEY. I ask unanimous consent that I may introduce a joint resolution and have it presently considered, without taking the Senator from Texas off his feet.

Mr. CONNALLY. To what does it relate?

Mr. BARKLEY. It is a joint resolution authorizing the Architect of the Capitol to lend to the United States Constitution Sesquicentennial Commission four portraits now in the Capitol, to be exhibited at the Corcoran Art Gallery.

Mr. CONNALLY. I welcome it.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Is there objection? The Chair hears none.

Mr. BARKLEY. I now introduce the joint resolution.

The joint resolution (S. J. Res. 222) granting the consent of Congress for the loan of certain portraits now located in the Capitol to the United States Constitution Sesquicentennial Commission for exhibition in the Corcoran Art Gallery was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Architect of the Capitol be, and he is hereby, authorized to loan to the United States Constitution Sesquicentennial Commission the portraits of Thomas Jefferson by Sully; George Washington by Gilbert Stuart; Gunning Bedford, Jr., by Peale; and Henry Lawrence by Copley, now located in the Capitol Building, for exhibition in the Corcoran Art Gallery between the dates of November 27, 1937, and February 1, 1938, in connection with the celebration of the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States.

The said Architect is directed to have these portraits returned to the Capitol immediately after the conclusion of the exhibition above referred to.

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of the joint resolution I have just introduced.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 222) granting the consent of Congress for the loan of certain portraits now located in the Capitol to the United States Constitution Sesquicentennial Commission for exhibition in the Corcoran Art Gallery, which was ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the motion of Mr. WAGNER to proceed to the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. CONNALLY. Mr. President, there has just been passed by the Senate a joint resolution with regard to the sesquicentennial of the signing of the Constitution of the United States. I am glad of it. September 17 marked the one hundred and fiftieth anniversary of the signing of the Constitution in Philadelphia. The old instrument is good enough for me. Yet an effort is being made to amend it by statute. There is a bill before us to amend the Constitution by statute, by indirection, because under that Constitution, in every decision of the Supreme Court that has even touched this question, the Court has always held that the State police power covered all the power there was with reference to the regulation of matters sought to be regulated by the bill we are discussing. So while we with our lips pay tribute to the sesquicentennial of the Constitution, other Senators are getting their pencils ready, with their votes, to assassinate it by a flank movement, not in front, but to slip around and attack it from the flank or from the rear.

Mr. President, why do we go through all this business, sending all these portraits to the art gallery, providing that "the Architect of the Capitol be, and he is hereby, authorized to loan to the United States Sesquicentennial Commission" the portrait of Thomas Jefferson? Oh, if we could but have the portrait of Thomas Jefferson not put on a piece of canvas in pigments and colors with a paint brush, but if we could have a picture of Thomas Jefferson and the things for which he stood in our breasts, Senators would slink out of the Senate Chamber before they would vote for a bill like that I am discussing.

Thomas Jefferson was a man who believed in the separation of the powers of the States and of the Federal Government. Thomas Jefferson believed that every power not particularly conferred upon the Federal Government still resided within

the States and within their legislative processes. That is what Thomas Jefferson believed; that is what he lived; that is what he suffered for; that is why he risked his life before Tarleton's legions while he was still Governor of Virginia. That is why Thomas Jefferson, with that burning pen of his, flung the Declaration of Independence in the face of a British King, to have a government of the people with limited powers and a separation of the powers.

Oh, yes, we want to lend the portrait of Thomas Jefferson to the Sesquicentennial Commission, then we want to cover it all over with slime and infamy by voting to take up a bill like this antilynching bill. Obliterate his picture. Wipe it out.

Oh, he is just a piece of painting on a piece of canvas. That is not Thomas Jefferson. Thomas Jefferson's force and influence and philosophy have been pulsating through the American people for 150 years. God knows that I hope it will continue to have some influence.

What else are we going to do? Here are some other great men. Gunning Bedford, Jr. Why, I find here the name of George Washington. They want to lend the name of George Washington to the Sesquicentennial Commission. George Washington! Why, Senators, George Washington was the president of the Constitutional Convention which wrote this old document. George Washington signed it. George Washington said in the document that all the police power was reserved to the States, and that only those powers specifically delegated to the Federal Government were conferred upon the Federal Government. That has been the law and the Constitution for 150 years. George Washington did that—George Washington, the Father of his Country, the leader of the armies in the Revolution—George Washington, the great private citizen down at Mount Vernon. That is what George Washington did. He put it in the Constitution.

The Senator from New York may say, "Well, George Washington was a very nice man in his day, but George did not know much. We are going to reform this old Constitution. General Washington was a very nice man. Of course, he did not live in New York. He did not have a little hide-out over on the East Side. He did not belong to our political organizations over there. George Washington was a very good man, I suppose, but he lived down South. He was a southerner. Why, his reputation is all covered over with odium and shame. He was from Virginia. I cannot follow George Washington. No, the precinct captains will not let me follow George Washington. No, sir. I had some letters from Harlem this morning, and they are not in agreement with George Washington, and when it comes to a contest between George Washington, who is dead, and the boys up in Harlem who have their poll-tax receipts and are registered, I will have to stay with the boys in Harlem. [Laughter.]

"You may call that expediency. But George Washington is dead. He did not give a nickel to our campaign fund last fall. [Laughter.] He has never attended a precinct meeting. He did not belong to our club. I am just awful sorry about old George, but I cannot do anything for him. I am going to amend the Constitution by indirection, and I am going to take away from the States the police power that they have had for 150 years; I am going to hand it over to the Federal Government. The Constitution says I cannot, but if the Congress says I can, why, we will do it." That is the doctrine we have had around this Chamber since way along last winter. Thank God, it is a doctrine that we have repudiated—a doctrine that the people of the United States have repudiated.

Mr. President, I refuse to pay the price that some men would want me to pay to stay in the United States Senate—the price of falling horizontally before every little special group in humiliation and shame. If in order to stay in the United States Senate I must answer in a shaking and trembling voice every demand that comes up from a little group, whether they are white or whether they are black, whether they belong to this particular organization or that particular organization; if I have to do that, Mr. President, I will go back home and try to farm one year, and the next year I go on

relief. [Laughter.] Mr. President, I do not want to be Senator that bad. I was not born a Senator. I lived several years before I got to the Senate, and before I will be a political lickspittle, before I will crawl around in the slime and the mud and the muck to get votes to please some little insignificant group, God bless you, I will get my old hat and I will walk out of this Chamber and go back home and go to work. [Laughter.]

I am not now talking about anyone unless what I say fits him. Unless it fits you I am not talking about a soul. I am talking about myself, and I am talking about what I am not going to do. I am not going to pay that kind of a price, no matter from what quarter the demand comes. I just rather not do it.

Mr. President, there are some more States here that need reforming. I have adverted to Ohio. Now I come to North Dakota. There was not a lynching in that State in 1936. Yet North Dakota is to be threatened, her officers are to be intimidated, her courts are to be overawed, her peace officers are to be told by the Senator from New York that unless they perform their functions—not under their oaths to the State, not under the constitution of their State, from which they get their title, from which they get their authority, and from which they get their emoluments, "unless you discharge your duties out in North Dakota in the manner we in Washington say they ought to be discharged, we are going to put you in jail, and we are going to levy a fine against the taxpayers of your county." That is statesmanship! That is statesmanship! That is piffle; that is all it is. [Laughter.] Statesmanship!

North Carolina, the great old State of North Carolina had no lynchings at all in 1936, and has only had three from 1922 to 1936—15 years. North Carolina is a great old State. Yet this bill is aimed at North Carolina. It is aimed at the South. This is a bill to brand us as barbarians. This is a bill to brand us as backward. This is a bill to cover all of us over with odium, without keeping any on their hands if they can help it. This is a bill to put upon us the livery of lackeys. This is a bill to make our courts and officers the sycophants of Federal authority. This is a bill to strike down the powers of the State courts and the State officers and the States themselves, and substitute the imperious will of a central government at Washington.

Talk about night riders. This is a bill to send Federal night riders out over the United States to dictate to and overawe our own State authorities.

Where did we get our authority? Why, the States were here before this Government was here. The States were here before there was any Capital. The States were here before there was any Constitution, before there was any Declaration of Independence. The States were here before George Washington took command of the Army yonder at Cambridge and unfurled the banner of the Revolution. Every power that those States did not specifically confer upon the Federal Government those States still possess. Yet the Senator from New York would by statute—not by constitutional amendment but by statute, and a slimy, nasty, mean, low statute at that—take away from us the sovereign power of the State.

Mr. President, I am not going to stand for it if I can help it. I am only a high private, but I am not going to stand for it.

I want to finish this roll of honor. There was no lynching, not one, in North Carolina, in 1936. In New Mexico, not one in 1936. In Missouri, not one in 1936. Mississippi, one. This bill is aimed at Mississippi. Oh, yes, the Senator from New York looks on the people of Mississippi as a backwoods, hoodlum, witch-burning, ignorant, illiterate, shoeless people. I believe it was Miss Perkins, was it not? I ask the junior Senator from Mississippi [Mr. Bilbo], who said that they would try to see if they could not get the southern people to wear shoes, so that they could start up business in the country. She is credited with having made that statement. I do not know whether she made it or not, but early in this

administration she was credited with suggesting that a good way to start up business would be to encourage the sale of shoes in the South. Well, we in the South buy shoes when we get the money to buy them. When New York and New England and some other sections do not take all of our money away from us we then buy something to wear on our bodies, and after that, then we get shoes. Of course, shoes come after clothes. The law requires that you wear clothes. The law does not require that you wear shoes; so after we spend all the money we have that is necessary to pay for clothes to comply with the statute then, if we have any money left we buy shoes.

Mississippi—there was only one lynching in that State; Mississippi, a State that has now and has had in the past, tremendous problems about the race issue, but it is solving them. Oh, you from other sections where you have not this issue, I wish you might have some experience along this line. Do you think we relish it? Do you think that we struggle with these intricate and irritating questions with joy? O Mr. President, the burden is heavy; the yoke is galling; it stings us; the perspiration is irritating on our galled necks; but we are trying to solve these problems, and we are solving them. In State after State there has not been a lynching. If you will let the southern people alone they will stop lynching, but you are not going to stop it by lynching us and the Constitution and the courts. Who believes that this bill will stop lynching? Nobody. Does the law against murder stop murder in New York? Does the law against stealing stop stealing in New York? Instead of stopping it, they put a surtax on it in New York. The more laws that are passed the more they steal. Does the law against swindling stop swindling in New York? I read that they send men to the penitentiary every little while for violating the Securities Act, for putting out fraudulent bond issues and fraudulent securities. Did the law stop that? No. I will tell you what it will do. There will be more lynchings under this bill than there were before, because if you are going to threaten to put an officer in the penitentiary for arresting a culprit and then letting him get away from him either by force or otherwise, what incentive is there for him to arrest the criminal? He will get into his car and go over to the other side of the county and arrest some fellow for bootlegging. He will not be where the crime was committed. He will say, "I am not going to risk going to the penitentiary by arresting this fellow. Tell the boys that the fellow is over there down the creek and if they can catch him before I get back it is entirely satisfactory to me [laughter], and I will not violate any law." The taxpayers of the county might have to pay some tax money under this bill, but the officer himself would be free. He would say "I did not have him in custody; I went out looking for him over on the other side of the county."

Mr. President, let us see what other States are free from this terrible stain. There is Maryland. There was not a lynching in Maryland in 1936, and there have been only two in 15 years in that State.

Louisiana—in that State there was not one lynching in 1936.

I have already referred to Kentucky. God bless old Kentucky for not lynching anybody; and if she would just quit shooting men by wholesale in her feuds she would be improving conditions marvelously. I suggest that the Senator from New York ought to insert in his bill, "Gangsters, racketeers, feudists, and lawbreakers." He certainly ought to insert feudists. He is not treating Kentucky right. I do not see how the Senator from Kentucky [Mr. LOGAN], who sits near me, can support this bill unless his constituents are properly exempted, just as the constituents of the Senator from New York are exempted. I do not want this to be a sectional bill merely for New York. This bill ought to be entitled "A bill for the purpose of insulting the South and exempting the inhabitants of the State of New York from its operations; a bill to catch the colored votes in New York; a

bill to exempt all voting groups in the State of New York." Now I come to Kansas. In that State there has not been a lynching for years. Indiana, two lynchings in 1930, and none in 1936. Illinois, none in 1936. There was one in 1924, and I remember—I see that the Senator from Illinois is here—when there were riots in East St. Louis, and men were shot in groups; I do not know how many.

Mr. BORAH. The number has been estimated as high as 300.

Mr. CONNALLY. Three hundred; but that kind of slaughter would not be included in the bill, and it is not listed here in the statistics. That is not lynching; it is merely a small-sized civil war; that is all. I do not approve of it; I do not approve of any kind of lynching anywhere—in New York, Texas, or anywhere else.

Georgia had five lynchings. I will not discuss the particular instances; I do not know what they were; doubtless they were of terrible character and greatly infuriated the people. That, however, is no defense, and I do not defend it. I want the press to be fair enough to me to say, if they say anything, that I am not defending lynching. The best way to stop lynching is to stimulate the responsibility of local officers and have them enforce the law. Senators, I wish to call attention to the fact that they are doing that now. I hold in my hand four newspaper clippings. I cut them all out as I was riding from Texas on the train in a period of about 2 days. I wish I had requested my secretary to cut similar clippings from newspapers all over the United States. What do these clippings show? I will request the clerk to read the first one, which is not very long. It refers to a trial down in North Carolina, at Marion, in that State. A terrible crime had been committed. What did the people of that community do? They gave the culprit a trial; they had the troops there; they protected him, defended him, and went on and tried him according to law. The Senator from New York now wants to penalize North Carolina, to take such matters out of her hands, to let the Federal Government assume control. If this bill had been a law at that time that thing would not have happened, because the sheriff probably never would have found the guilty one, but the mob would have found him down on the creek somewhere. I will now ask the clerk to read the clipping which I have sent to the desk.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

UNIT OF GUARD IS ORDERED TO MARION COURT—MORGANTON COMPANY IS PREPARING FOR DUTY NEXT WEEK—ACTION FOLLOWS JUDGE'S REQUEST—PRECAUTIONS TAKEN TO ASSURE FAIR TRIAL FOR NEGRO MARION, September 8.—Morganton's National Guard unit, Company B of the One Hundred and Fifth Engineers, was ordered Wednesday to prepare for emergency duty next week at the trial of Mann Smith, Negro youth, in McDowell County superior court here on a charge of criminally assaulting a 13-year-old Marion schoolgirl.

The instructions to the Morganton unit of the National Guard was given by Adj. Gen. J. Van B. Metts, who acted upon orders of Gov. Clyde R. Hoey.

REQUESTED BY JUDGE ALLEY

Request for the troops was made Tuesday by Judge Felix E. Alley, of Waynesville, presiding over superior court here, after the trial of Smith was interrupted Tuesday morning when a Marion plumber, Frank Anderson, crept down the aisle of the court room and without warning clouted the Negro defendant on the head with an iron pipe.

A mistrial was ordered, Anderson was jailed to face assault and contempt charges, the Negro defendant was taken to Asheville for safekeeping, and a new trial was set to begin Monday morning, when the task of selecting a jury from a new special venire will get under way.

OFFICERS VISIT MARION

Upon receiving instructions Wednesday from Adjutant General Metts, Capt. Howell J. Hatcher, commanding officer of the Morganton National Guard company, and two lieutenants, James W. Amos and A. L. Shuping, came to Marion in the afternoon for reconnaissance in preparation for encampment here Sunday night or early Monday morning.

Captain Hatcher would not say whether the company's full strength of 65 men or a lesser number will be brought here.

The order for the unit to come here makes the fourth time since the summer of 1929 that National Guard men have been ordered here to preserve peace.

In the summer of 1929 Troop K of the One Hundred and Ninth Cavalry, Asheville, under command of Maj. Eugene Coston, was sent here because of a strike at the Clinchfield Manufacturing Co.'s plant. The guardsmen were quartered in the courthouse for about 2 weeks and were moved into the mill village following a clash between officers and strikers near Clinchfield mill.

Mr. CONNALLY. Mr. President, I wish to comment on that article. Senators have just heard read a newspaper account of an instance happening at Marion, N. C.—North Carolina in the South; North Carolina of the backward section of America, the illiterate section; North Carolina, a great old Commonwealth, it is true, but part of a section that needs reforming at the hands of the Senator from New York. North Carolina has to be made over anew. What did she do? A colored man was charged with criminally assaulting a 13-year-old Marion schoolgirl. Mr. President, if there is within all the black category of crime one crime that stirs more deeply the passions of the human soul than another, it is the act of some fiendish brute who violates a pure and beloved woman; and if of such crimes there is one blacker and deeper in the dye of criminality than another, it is where that crime is committed against a child. If a set of circumstances could be conceived that would have brought about mob violence, we have it in this case. But what did the judges of North Carolina do? What did the law officers in North Carolina do? They called out the troops. They had the National Guard present to protect the cringing scoundrel so they could try him according to law. Was he mobbed? No. He was tried under the Constitution and according to the due processes of law.

Yet the junior Senator from New York wants to reform North Carolina. He wants to take these matters out of the hands of the State authorities. What more could they have done? He wants to turn these matters over to some little United States marshal somewhere. What more could such a little marshal do? What will he do under this proposed law? He will go down and sue the county and make innocent taxpayers of the county pay a heavy fine to the family of the victim. He would make innocent men and women, who do not believe in lynching, who do not condone such things, who go about their busy avocations and attend to their own business, pay a heavy penalty in such cases.

These would include citizens who may be out yonder at church worshipping their God and praying for the enforcement of the laws, and yet the bill of the junior Senator from New York would penalize such citizens and make them pay a tremendous fine because a crime like this was committed in their county. Here was a case where the National Guard was called out to uphold the law and to protect lives.

Mr. President and Senators, if you will let us alone we will solve this problem of lynching. We are already solving it. The number of deaths by that kind of violation of law has been decreasing as the years go by. Lower and lower has gone the level of lynching in the South. We pray you to keep your hands off our institutions. If we do not have this meddling, if we do not have this long-distance meddling, if we do not have these irritations stirred up by these so-called reformers, we will solve this problem. I call them "so-called" reformers. They are not reformers. They are exploiters. They exploit the Negro. That is all. They "work" him. If they do not get his money they get his vote. The colored exploiters get the Negroes' money. The white exploiters get the Negroes' votes. If these long-distance agitators, these so-called reformers, would let us alone the South would struggle with its burden and solve the problem. Heavy though its burden may be, a burden that bends our backs and wearies our bodies, we will struggle on and we will solve it. But we have resented, we have resented and resisted again and again, and we shall continue to resent and resist, these long-distance reformers who want to pluck the South by the neck and hold us up to scorn and

shame when their own vestments are all covered over with soil and slime. I wish more of these reformers would go through a dry-cleaning establishment before they offer their laundering facilities to the South. [Laughter.]

I have here a press dispatch about an incident in my own State. What is Texas doing toward maintaining the law and preventing lynching? I shall ask the clerk to read another newspaper item. These incidents are all within a period of a few days. One occurred on September 8, one September 20, and one September 21. In every one of these cases lynching was prevented by the authorities and not by some little two-bit Federal marshal appointed by some Senator who is afraid to vote according to the Constitution, but wants to gather up a little handful of votes. I ask the clerk to read the item dated Marshall, Tex., which I send to the desk.

The PRESIDING OFFICER [Mr. SCHWELLENBACH in the chair]. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

TWENTY-TWO PATROL COURTHOUSE IN TEXAS

MARSHALL, September 20.—Steel-helmeted Texas National Guardsmen with bayoneted rifles patrolled the courthouse lawn and courtroom today when Henderson and Roscoe Young, Negroes, went to trial for the robbery-assault of a Longview couple near Lansing August 22.

Four officers and 16 enlisted men under Capt. Ray C. Allen, Seventy-second Brigade, headquarters company, were stationed about the courthouse as protection against possible violence during the trials. Captain Allen questioned all who entered parts of the building leading to the courtroom.

Four Texas Rangers were part of a heavy guard surrounding the defendants when they entered the courtroom this morning.

The Negroes were indicted separately for robbery by firearms and assault upon Mr. and Mrs. George Reed. The alleged offense occurred while the Reeds were traveling from Longview to Arkansas. The State charges white-robed Negroes forced the couple to stop near Hallsville and at pistol point took \$144 and a watch and attacked them.

At noon four jurors had been chosen. Judge W. H. Strength overruled a defense motion to transfer the case of Henderson Young to a juvenile court on the ground he was under 17.

Mr. CONNALLY. Mr. President, I offer that as evidence not from my own lips. Those are not my words. They are the words of a well-known press association, the Associated Press, a great Nation-wide news service that carries the news from coast to coast and leaps across the ocean to other lands. What does this press dispatch disclose? Here were two colored men who robbed a white man and his wife and attacked them. The Texas authorities tried those men. They were not mobbed. They were tried according to law, and in order to insure trial by law the authorities called out the National Guard.

What more would the junior Senator from New York have us do? When we risk our lives to protect a craven scoundrel who assaults our women and robs our men, and yet we stand up and offer our lives in defense of his rights to a trial under the Constitution and under the law, what more would the junior Senator from New York have us do? I venture to say the junior Senator from New York would not risk one of the hairs of his head in such an enterprise. Not one of the hairs of his head would he risk to stand up in defense of such a scoundrel, nor would he offer his life to prevent the violence of a mob in such a case. Yet that is what was done in our State.

During the last session of Congress I pointed out that at Athens, Tex., a Negro had assaulted a young white girl on her way to school. That crime aroused the passions of the people of the community and some rumors existed as to the possible organization of a mob. The brave sheriff of that county went out and said to the people, "I am your sheriff and I am going to protect this man with my life." He would have given up his life if need be to protect this craven scoundrel. He talked to the people and vindicated his course in protecting that man. The man was tried according to law.

That is what we are doing and trying to do in the South. We are trying to carry out the law. We are teaching our people and our officers that we will stand by them when they

do their duty. Where do they get authority for that duty? They get it from the State of Texas. They derive it from the constitution of the State of Texas, and from the same source they derive their oath which they take to uphold the laws of Texas. They do not get their authority from the Federal Government. They do not get their pay from the Federal Government. They do not derive their functions from the Federal Government. Yet the junior Senator from New York would take all the power away from them and from the State of Texas and would say, "We will set up a little Federal functionary who will tell you how you shall perform your duties as a State."

Mr. President, this Government of ours is composed of two systems. One is the Federal system. Every citizen in the Republic is a citizen of that Federal system. Such duties as he owes to the Federal Government he owes directly to it. They do not pass through any State. They do not pass through any county, but they go directly to the Federal Government. As to his duties, his obligations and his tax burdens, he is a citizen of the Federal Republic, and at the same moment he is a citizen of a State. He is a citizen of two sovereignties, and his duties to the State must be paid directly to the State—not through the Federal Government, but directly to the State. That is our theory. The jurisdiction of each one is limited. The jurisdiction of each one is well defined and marked out.

So in this case the Federal Government has no right to supervise the State. It has no right to direct the State itself. Why, Mr. President, we may not levy an income tax on the salary of a justice of the peace within a State, because the Supreme Court has held that to do so would be to impose a hindrance upon the operations of a State officer. Yet the Senator from New York would tell you that while we may not tax a justice of the peace a dollar and a half on his salary, we may pass a law that will control and direct the sheriffs and the judges and the peace officers, and lay a tax not of a dollar and a half but of \$5,000 upon the taxpayers of a county! Oh, consistency! Consistency! But Mr. Justice Black says you cannot do it. Mr. Junior Senator from New York, who voted for Mr. Black's confirmation, says he is going to do it. Thank God, we shall hear from Mr. Black again! He has the last say. He is on the Court now, and you cannot get him off. [Laughter.]

I am proud of this performance in my own State. I am not here to defend lynching. I am here to oppose it. I am offering this proof, this witness, that we are enforcing the law against lynching. If this kind of a process goes on long, though, if such a bill as this should be passed here, I am going to introduce at the next session a bill to regulate New York. I am going to try to stop murders in New York as well as in other parts of the country. I am going to see if the Federal G-men cannot trace down the murderers of Dutch Schultz and his six patriotic associates over on the East Side who robbed and stole and hijacked, and they got over in the wrong precinct, and another gang took them out and killed seven of them, and none of them has ever been arrested or prosecuted or convicted, so I am told. If I am in error, I will ask the Senators from New York—first the senior Senator, and then the junior Senator—to correct me. Does either of the Senators from New York know whether or not the murderers of Dutch Schultz and his band have ever been convicted?

Mr. COPELAND. Mr. President, I understand that a number of them escaped to Texas. [Laughter.] I am not quite sure about that. At all events, they left the jurisdiction.

Mr. CONNALLY. I am sure the Senator would know. [Laughter.] I suppose he knew when they left, and if he had been a law-abiding man he would have let the Governor of Texas know that they were going to Texas; and if that is done we will apprehend them and send them back to New York. There is a law on the statute books that requires the extradition of criminals from one State to another. It had a good deal to do with the War between the States in connec-

tion with the extradition of runaway slaves. That is a part of the Constitution; and if the senior Senator from New York will give me the names of these parties, and if they are in Texas, I guarantee him that they will be apprehended and sent back to New York for the purpose of being prosecuted in the courts of New York—not simply for voting purposes, but for prosecuting purposes, I will say to the Senator. [Laughter.]

Of course, I know the Senator from New York was merely engaging in a pleasantry. Yes; we have a lot of immigrants into Texas from other States. Some of them are law-breakers, it is true, but they change their names. They put on disguises. They do not let us know who they are because when we find a lawbreaker in Texas, whether he is from New York or whether he is a native, we prosecute him, whether he is colored or whether he is white.

I offer this proof again to show you that we in Texas are undertaking to protect the criminals in their rights to a higher degree than it is done in New York.

Here is another statement from Missouri. Even in Missouri they are making progress against lynching. [Laughter.] I ask to have the clerk read the matter which I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

Mr. CLARK. Mr. President, I will ask the Senator from Texas how long the document is?

Mr. CONNALLY. It is just about an inch and a half. [Laughter.]

Mr. CLARK. Reserving the right to object, I should like to have the Senator from Texas state how long it is.

Mr. CONNALLY. It is about an inch and a half of one column. [Laughter.]

Mr. CLARK. I have no objection.

The PRESIDING OFFICER. Without objection, the matter will be read.

The Chief Clerk read as follows:

SHERIFF FOILS LYNCH MOB SEEKING NEGRO

COLUMBIA, Mo., September 21.—Frank Coleman, a young Negro ex-convict charged with assaulting an 86-year-old white woman, was held in another county jail for safekeeping Tuesday after a crowd of about 200 persons marched on the Boone County jail Monday night and demanded Coleman.

Sheriff Pleas Wright was able to disperse the crowd only after he permitted a committee of two to search the jail and confirm his announcement that Coleman had been taken to another county.

Mr. CONNALLY. Mr. President, I commend the example of Missouri. Missouri, within her own rights, is controlling lynching, and prohibiting lynchings, and protecting criminals, and seeing that they get a fair trial. The Senator from Missouri did not seem to want to have this matter read if it was of any length.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CONNALLY. Yes.

Mr. CLARK. I have no objection to any Senator reading a document of any reasonable length; but, as one Senator, I do not propose to grant consent to another reading of 4 or 5 hours.

Mr. CONNALLY. Oh, no; oh, no!

Mr. CLARK. I do not want to assist the filibuster in that way.

Mr. CONNALLY. Well, I never yet have objected to anybody reading an encomium upon my State where it has recited that my people were upholding the law. I should not object if they read a whole page vindicating the ability of the people of my own State to enforce their own laws without the dictation of outside influence. It seems to be the position of the Senator from Missouri, however, that his people are not capable of self-government; that they are not able to set up courts that will do their duty; that they are not able to elect officials who have the courage and the integrity and the honesty to enforce the laws, and protect criminals

in their trials, and so he wants to confer that jurisdiction on the Federal Government. I do not.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield, always.

Mr. CLARK. There are a very great many things about the State of Missouri of which I am exceedingly proud. I am not in the least proud of the fact that during the past few years there have been lynchings in the State of Missouri, even lynchings in my native county; and it is that sort of thing that I am going to contribute everything I possibly can to wiping out.

Mr. CONNALLY. I congratulate the Senator on his condemnation of lynching. I condemn it also; but the Senator is a follower of Jefferson, or is supposed to be. He comes from the Democratic Party, which for 150 years has taught the doctrine that the functions that belong to the State ought to be exercised by the State, and if the State is weak it ought to be stimulated—not controlled, not bought, not regulated by some distant power, but that the responsibility of the citizenship should be increased and stimulated and aroused so that they will perform their own duty. Why, I should be ashamed to stand upon this floor, representing a great State like Texas, and say that my people are either so politically dishonest or so incapable or so cowardly and craven that we cannot enforce our own laws and maintain our own institutions. If I felt that way about my State, I should surrender my seat in this body and go back and say, "Let us incorporate one great Nation and wipe out the States." I should not want to stand on the floor of the Senate and say that because there are one or two lynchings in my State, the people of my State are not able to govern themselves, and we want to take from them their sovereignty and give it to the Federal Government.

That, in effect, is what the Senator from Missouri has said. He said that because there were one or two lynchings somewhere in Missouri, he wants to take away from the State of Missouri the control of its courts and its peace officers and give it to the Federal Government. Well, I do not. I do not.

I hope the newspapers will carry that news to the country. I grieve, Mr. President, that one who bears an honored name, whose father for more than a quarter of a century stood on the floors of the Congress and fought for democratic local self-government, for the strength and virility of the States to perform their functions and their duties, that a follower of Jefferson, that leading members of the Democratic Party should be the ones now to espouse this alien doctrine, this doctrine from foreign shores, of a consolidated empire dictating to and overawing the States, so that every little officer, every little constable, has to readjust his vision and look to Washington and listen to Washington rather than to the sovereignty that elected him, and the sovereignty from which he draws his power. I repudiate that doctrine, coming even from an eminent man like the senior Senator from Missouri.

I dare say that the people of Missouri do not believe in any such doctrine. Do they believe in their own degradation? Do they believe in their own political cowardice? Do they believe in their own weakness, that they cannot and will not enforce their own laws, and protect people in trials in the courts? Do they believe that? Is that their voice speaking here today? I do not believe it is. Ah, that voice is an echo; it is a throw-back voice! It comes back from some distant age. It is not the voice of Jefferson. It is not the voice of the Democracy of Missouri. It is not the voice of the people of Missouri to admit that they are so dastardly that they are afraid to stand up and defend their rights to govern themselves. That is not true of Missouri, because here is a case that shows that it is not true. Let me state the attitude of the people of Missouri on this question.

Out at Columbia, Mo., a negro, an ex-convict, assaulted and attacked an 86-year-old white woman. What happened? The officer of the law protected him, and the people of Mis-

souri will stand by that officer, the people of Missouri will sustain him. The people of Missouri believe that that is the way to handle such a case, for the sheriff to protect the man and take him to another county, if need be.

Mr. President, that is my belief, that is my doctrine, that is the doctrine of the powers of the State to perform their own duties and to stand on their own legs, not on somebody else's legs, not on stilts, distant from the source of authority, but a great Commonwealth which pretends to be a State which cannot defend men being tried for crime, cannot do anything that is essential to sovereignty. If they either cannot or they will not, then State government is a failure. But they can and they are doing so under the stimulation and under the teaching that is going on. They are doing it in my State; they are doing it in Missouri; they are doing it in North Carolina.

Mr. President, let us look a little further and then I shall be through. I am worn. But I do not mind being worn if I can serve an honorable cause. Our forefathers died for the Constitution of the United States. They shed their blood for this dual system. Some of them went out on the battlefields never to come back because they loved the Constitution and the powers and the rights of the States, on the one hand, and the Federal Government on the other. So why should we grow weary, why should we bother about our own comfort?

Mr. President, during the course of this debate I shall probably desire to submit some further remarks, but at this point I should like to have incorporated in the RECORD without reading two tables showing the decrease of lynching over the years throughout the United States. I should like to have that incorporated in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Persons lynched in the United States from 1889 to Oct. 25, 1921

State	1889-1918	1919	1920	1921	Total
Georgia	386	22	9	10	427
Mississippi	373	12	7	13	405
Texas	335	3	10	1	349
Louisiana	313	8	5	5	326
Alabama	276	8	7	2	293
Arkansas	214	10	1	4	229
Tennessee	196	1		1	198
Florida	178	5	7	4	194
Kentucky	169		1	1	171
South Carolina	120	2	1	5	128
Oklahoma	96		3		99
Missouri	81	2	1	1	85
Virginia	78		1	1	80
North Carolina	53	4	3	4	64
Wyoming	34				34
West Virginia	29	2	1		32
California	26		3		29
Illinois	24		1		25
Kansas	22	1	1		24
Montana	22				22
Indiana	19				19
Colorado	18	2			20
Maryland	17				17
Nebraska	17	1			18
Washington	16	1			17
New Mexico	13				13
South Dakota	13				13
Ohio	12		1		13
Idaho	11				11
Unknown places	11				11
Arizona	8				8
Iowa	8				8
Alaska	4				4
Michigan	4				4
Minnesota	4		3		7
Nevada	4				4
Oregon	4				4
Pennsylvania	4				4
Wisconsin	4				4
New York	3				3
North Dakota	2				2
Delaware	1				1
Maine	1				1
New Jersey	1				1
Total	1,324	84	61	52	3,421

¹ Thirty Years of Lynching in the United States, 1889-1918. Published by the National Association for the Advancement of Colored People, p. 41. Of the total number lynched in this period 702 were whites. Ibid. p. 29.

² Hearings on Antilynching, House of Representatives, 66th Cong., 2d sess., Jan. 29, 1920, p. 49. 6 persons out of the 84 lynched were whites.

³ La Follette's, January 1921, p. 9. 8 persons out of the 61 lynched were whites.

⁴ Report No. 452 House of Representatives, 67th Cong., 1st sess.: Antilynching bill.

Number of lynchings in the United States, by States, for the years 1922 to 1936, inclusive

State	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Alabama	2	1		1					1	1		3	1		
Arkansas	5	2		1	2	3					1				2
California												1			
Florida	5	9	5	2	9			4	1	2	1		2	2	1
Georgia	11	4	2	2	1				6			4	1	2	5
Illinois			1												
Indiana									2						
Kansas											1				
Kentucky			1		1	1		1			1		1		
Louisiana	3	1	1	1		1	2			1	1	4	2	4	
Maryland										1		1			
Mississippi	9	8	2	6	4	7	5	1	4	3		3	6	7	1
Missouri		1	1	1	1	1	1			1		1			
New Mexico					1		1								
North Carolina									1			1		1	
North Dakota										1					
Ohio				1							1				
Oklahoma	1	1							1						
South Carolina	1		1		3				2			4			
Tennessee	2		1		1	2		1		1		1	1	1	
Texas	18	5	1		7	1	2	3	3		1	2	1	2	
Utah				1											
Virginia		1		1	1						1				
West Virginia										2					
Total	57	33	16	17	30	16	11	10	21	13	8	28	15	20	9
Whites	6	4	0	0	7	0	1	3	1	1	2	4	0	2	0
Negroes	51	29	16	17	23	16	10	7	20	12	6	24	15	18	9

¹ 2 whites in Tennessee, 1933 (see source in note 2); 2 whites in California, 1933 (New York Times, Jan. 2, 1934, p. 2).

² 1 foreign-born white in Florida, 1930. Paper, Arthur F. The tragedy of lynching, 1933, p. 3. [HV6464 R3.]

³ 1 white in Georgia, 1926 (New York Times, Feb. 23, 1927, p. 3; Literary Digest, Dec. 4, 1926, p. 10).

⁴ 1 white in North Dakota, 1931; 1 white in Kansas, 1932; 1 white in Kentucky, 1932 (U. S. Congress, Senate Committee on the Judiciary. Punishment for the crime of lynching. Hearings before a subcommittee on S. 1778, 73d Cong., 2d sess., 1934, p. 66.

⁵ 1 Mexican in New Mexico, 1928; 1 white in Texas, 1929. (CONGRESSIONAL RECORD, May 3, 1933, vol. 77, pp. 2826-2827.)

Sources: (1) Negro Year Book, Tuskegee Institute, 1925-26, p. 402. Figures for 1922, 1923, 1924. (2) World Almanac (figures for 1925 to 1935, inclusive)—1927, p. 322; 1928, p. 327; 1929, p. 302; 1930, p. 402; 1931, p. 450; 1932, p. 383; 1933, p. 323; 1934, p. 286; 1935, p. 283; 1936, p. 270; 1937, p. 282. Figures were compiled for the Almanac by Monroe N. Work, director of records and research, Tuskegee Institute, Alabama, and editor of the Negro Year Book. The Almanac for any given year contains the lynching figures for the second preceding year. (3) New York Times, Jan. 1, 1937, p. 27. Figures for 1936.

Mr. CONNALLY. Mr. President, at the last session of the Congress I made a rather elaborate speech on this subject, viewing it from a constitutional standpoint. I undertook to point out in that address that the fourteenth amendment affords no basis whatever for the assertion or the pretensions of power which this bill sets forth. I then quoted from Mr. Thaddeus Stevens, a distinguished gentleman from Pennsylvania, who, though his soul was in constant eruption with passion and prejudice against the South, did not seem even to approximate in heat or in temper the Senator from New York. This is what Mr. Stevens said about what the fourteenth amendment provided:

The Constitution limits only the action of Congress and is not a limitation on the States. This amendment supplies that defect and allows Congress to correct the unjust legislation of the States so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree.

In other words, Mr. Thaddeus Stevens, who was the sponsor of the fourteenth amendment in the House of Representatives, pointed out that it was directed not at the acts of individuals but at the actions of States in passing laws. It simply prohibits the State as a State from passing a law which discriminates between men of different colors or different races. He said it afforded no basis whatever for Federal action against individuals.

What did James G. Blaine, who was familiar with the transactions relating to the fourteenth amendment, say? Speaking of the fourteenth and fifteenth amendments, he stated:

Both of those amendments operate upon the power of the State—

And listen to this—

and do not have reference to those irregular acts of the people which find no authorization in the public statutes.

In other words, the fourteenth amendment does not relate to the acts of individuals, but before it becomes operative, the State by statute must pass some act which discriminates; and if it does, it is stricken down by the fourteenth amendment.

Mr. Blaine also said:

The defect in both amendments, insofar as their main object of securing rights to the colored man is involved, lies in the fact that they don't operate directly upon the people.

In other words, the fourteenth amendment cannot afford the basis of any Federal action to operate directly upon the people; it must operate upon the State as a State asserting its power through a statute.

Mr. President, I wish I had the time to go on and discuss at great length the constitutional aspect of this bill; suffice it to say that the Supreme Court, in a long line of illustrious decisions to which reference will be made by other Senators who follow me in this debate, has held that similar laws relating to the civil rights of individuals are not within the authority of the Federal Government. They held unconstitutional the famous civil-rights bill which was passed during the dark days of reconstruction. That measure made it a criminal offense for any hotel keeper, theater proprietor, or railway operator to deny to colored people the same privileges they offered to white people. In other words, a hotel had to receive colored guests just as it did white guests, and theaters and all other places of public gatherings had to do the same; but the Supreme Court, when that case reached it, held that the Federal Government had no power to regulate the internal affairs of the States, and that those powers related to the police authority rested purely within the States—that the fourteenth amendment was directed at the States as States.

In the celebrated case of Harris against the United States the question arose as to whether the Federal Government could pass a law providing that people who gathered together on the highways and molested others could be prosecuted criminally, a law very much like the bill the Senator from New York is now sponsoring. In the Harris case the Supreme Court held that such a law was unconstitutional, that the Federal Government had no right to go into the boundaries of a State and say that the acts of private individuals could be made a Federal offense.

Mr. President, there is an unbroken line of decisions of the Supreme Court. No authority can be found in the Fourteenth Amendment for this proposed legislation. It has been urged here repeatedly in the years that are gone. Many times similar bills have been pressed to the lips of those of us from the South, and not because we defend lynching. I abhor lynching as I abhor any other kind of murder. But there are those who will never be content until, like old Socrates drinking the last drops of the hemlock, this bitter cup shall be pressed to our lips and we can be made to drink it to its bitterest

drege. I resent it, I resist it. As a representative of the South, I am tired of being branded as a barbarian. I am tired of having economic laws passed which press heavily upon us, and enrich and glorify other sections of the Republic. I am tired of politicians using the South when they need us. Mr. President, the old Democratic Party, when driven out of every other section of the Republic took refuge down in the South, and we nurtured her, we stood by her, and we fought for her when she was repudiated in New York. We fought for her when they would not speak with respect to her in Illinois. In other places we kept the old Democratic Party alive. All the great honors—we are willing that Democrats in other sections of the Republic shall have them.

Mr. President, I say it is a bitter dose for Democrats to see other Democrats whom we have made it possible to sit in this body, whom we have helped to elevate to great positions, vent their spleen and enmity toward the South by pressing this bitter cup to our lips.

Mr. President, if there is any justice in the inscrutable destinies of a political-overruling God, there may come a time when we shall come into our own. We are growing; we are increasing; we are opening up great ports in the South out upon the highways of the world. We are getting back somewhat from the wounds that we suffered over half a century ago.

I want to say to these gentlemen who would brand us now as illiterate, who would brand us now as barbarians, that when that time shall come we shall not reply in kind. We welcome them to our shores. While our forefathers were fighting the battles of this Republic, the forefathers of many of those who will vote for the bill to shackle the South were somewhere over in Europe, God knows whether in Russia or in Germany or some other place, associating with elements that were alien to everything American.

Mr. President, as a southerner, as a Member of the Senate from the South, I want the world to know that I resent and that I shall resist these mean, low, cowardly attacks for political effect upon our honored and brave people and the glorious and gallant people of the South.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	O'Mahoney
Andrews	Connally	King	Overton
Ashurst	Copeland	La Follette	Pepper
Austin	Dieterich	Lee	Pittman
Bailey	Donahey	Lewis	Pope
Bankhead	Duffy	Lodge	Radcliffe
Barkley	Ellender	Logan	Russell
Berry	Frazier	Loneragan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Shipstead
Bridges	Glass	McGill	Smith
Brown, N. H.	Graves	McKellar	Thomas, Okla.
Bulkley	Green	McNary	Thomas, Utah
Bulow	Guffey	Maloney	Townsend
Burke	Hale	Miller	Truman
Byrd	Harrison	Minton	Tydings
Brynes	Hatch	Murray	Vandenberg
Capper	Hayden	Neely	Van Nuys
Caraway	Herring	Norris	Wagner
Chavez	Hitchcock	Nye	White

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BAILEY. Mr. President, I wish, first of all, to disavow on the part of myself and all the other Senators who are opposing the pending motion every possible suggestion that we are indulging in or exercising a filibuster. If I thought that this debate was in the nature of a filibuster, I would not participate in it. That is not because I am not of the opinion that there are times when a filibuster is justifiable, but I do not think that a filibuster would be justifiable under these circumstances. I believe that at this time a filibuster in the Senate would tend to discredit the Congress on account of the unusual circumstances in which we are assembled. Moreover, I am of the opinion that a filibuster on this motion or on this bill would be futile. I have talked with 8 or 10, or perhaps a dozen, Senators who intend to be

heard on this motion, or on the bill, if the motion should prevail, and I can say for every one of them—and I think I can say for the entire Senate—that the interpretation which has been put upon the debate so far by more than one of the newspapers to the effect that we are disposed to filibuster is an unsound interpretation.

The matter, which is of very great importance, in one form or another, has been in a way of coming before the Congress, I should say, for 30 years, and perhaps everything that could be said on the subject has been said in the debates prior to this. Very probably many of us are governed at this moment by the impression that it is now in a way of coming before us for the last time; and, of course, for the sake of the convictions which we have and the conceptions of our Government which are dear to us, we feel, at any rate, we might be allowed to make a little footnote to history as it begins to culminate.

I hope, Mr. President, that I can by these simple words of disavowal convince the press and, through the press, the American people that those of us who are discussing this motion are not doing so with any thought of delay or filibuster. We are discussing it on its merits, upon our convictions. I feel that the bill is sure to pass. If it should not pass now, I am sure it will pass in January or February.

You may be surprised to hear me say, Mr. President, that, while I do not like the bill any better now than I did when I first spoke against it here in 1935, I am not dismayed by the prospect of its passage. I think the bill is largely a futile thing, a very useless sort of thing, and I could say that it is in a way an offensive sort of thing; but I have made up my mind that I am not going to be offended by it, and I am not going to take the view even that it is an offense to any particular section of this country. It has been offensive, but it may be, after it passes, that we will find how slight and trivial a thing it is, how vain it is, and of how little actual consequence it is, and, in the light of that experience, our anticipation of offense will evaporate.

I can foresee a situation in which the bill has become a statute—not a law—and is on the statute books. I am going to argue before I take my seat that the proposed legislation is unconstitutional; I am sure of it. I would not say that unless I had a great deal more authority than the address of former Senator Black. I am sure of its unconstitutionality, but I do not think that question is ever going to be presented to the Supreme Court of the United States. I can imagine under this measure, if enacted, someone bringing a case in some State, and, in order to avoid the sectional aspect of it, bringing it in some Western State or some New England State. A suit is attempted against the sheriff in a county in Vermont, say, under this statute. I have not any suspicion that a jury would ever bring in a verdict against the sheriff; and, if it did not bring in a verdict, there could be no appeal; the case would never reach a higher court.

I can imagine the other situation of the next of kin of an unfortunate victim of a mob bringing suit on the ground of negligence or willfulness alleged under this statute, and, that matter being put to test before a jury, I am of the opinion that it would take a very long time, many cases, many efforts, before 12 men would ever be found who would bring in a verdict or bring in an answer to the issue in the affirmative in a case of that sort. I think in those two aspects the proposed legislation is likely to prove a dead letter, and that what we say here today on the subject of its constitutionality that it will never be put to the test of the supreme tribunal.

There is also another view. I am of the opinion that this proposed legislation will tend to make it more difficult to protect the prospective victim of a mob. Assume that I am a sheriff in my county, Wake County, N. C.; that a crime is committed; there is an inflamed condition of the minds of a group of people, and that group is under the hysteria that arises not merely in the South but anywhere, something that the human race seems peculiarly subject to, and in that hysteria they are about to seize the man who they consider has committed a very grave offense against society,

an offense that terribly inflames their minds. Now, I am the sheriff. With this statute on the books, I take notice that if I arrest him, then I am put in the position of the very highest degree of care—not ordinary care, but the highest degree of care. If he is taken out of my hands I may be brought to trial. I may be subjected to a fine and penalty and to recovery in a civil suit. I may be put into jail for failing to pay the obligation of the judgment. I ask as a matter of common sense would not a sheriff say under those circumstances, assuming he is the sort of man the bill contemplates some sheriffs to be—that is, a man not disposed to do his duty very well anyway—"I do not think I will take this man into my custody. I shall not render myself liable. I shall make out that I do not see him. I shall behave as if I could not find him."

If I am correct about that, the consequence of the enactment of this bill into law will be to expose the prospective victim to the mob and deprive him of the protection of the sheriff and the law. I submit that, as a matter of common sense, upon the passage of the bill that will be put to the test.

I go a little further about that. Under the proposed legislation it is provided that suit may be brought against the county or political subdivision in which a lynching occurs. Such suit may be brought by the Attorney General of the United States. I say to the Senate that when that kind of suit is brought, in the first place, the jury in the county is not going to bring in a verdict for the Attorney General of the United States. Oh, no. We are not going to think of doing such a thing. No matter what the evidence is, there will always be enough doubt about it to justify the jury to resolve the doubt in favor of the county.

But, it is said, it would not be a county jury. It would be a jury selected from the district in which the United States district court is held. But that is the same thing. I have tried cases for 25 years in the United States and in the State courts of North Carolina, and I have never known any difference as to juries. They are a fine body of men in either court, but they are men who have a sense of loyalty to their locality and a sense of loyalty to their people. They are given to the same kind of partisanship that we have. We stand by our States and our localities. It is rather native in our breasts.

We have another aspect of this situation. Suppose a lynching occurs in my county, and my county takes notice that a lynching has occurred, and that it may be made liable. As the matter stands in Wake County today, I should say that 99 percent of the people of the county of Wake, a county of about 100,000 population, under ordinary circumstances are just as much opposed to lynching as is any Senator. I make no personal comparison. They abhor it and they hate it. They know it is murder, but they know something more than that. They know that it is defiance of law. A mob crime is a crime in its essence against civilization. They know that and they revolt against it. But they say, "With this thing going on as it is, under this statute we are about to be made liable for it." Does anyone think they would not resent it? On which side will this legislation tend to cast the judgment and sympathy of self-respecting men? It will cast it on the side against the purport and intent of the bill.

If there were no other considerations, if there were no constitutional considerations and if there were no sectional considerations—and I am not thinking in terms of sectionalism—those considerations would move me to vote against the proposed legislation as futile and impracticable and likely to aggravate the very situation which it purports to remedy.

Now, another matter: I am here resisting the motion to take up the bill. At the same time, Mr. President, I am sure of myself when I say I would not ever vote to break an agreement made by the Senate. I was not a party to the agreement here in any active way, but that is a matter

of indifference. When the Senate makes an agreement it is my judgment that it is thereafter the duty of all Senators to sustain the agreement. I cannot avoid that.

If that were not so, an agreement in the Senate then would mean no more than that we could take a vote on the subject today and reconsider and disagree or reject the previous agreement. But that is not what is predicated in the agreement. Agreements are binding. Say I was in the minority in the matter of this agreement. I do not know whether I was or not. I think I sat here and acquiesced. I will assume that I did. No matter about that. Once the Senate has made an agreement I believe it is the duty of all Senators to sustain the agreement.

Notwithstanding that principle, I am opposing the pending motion, and I will tell why I am opposing it. The agreement we made was not an agreement to hear this matter at this special session. The agreement we made was to take up this matter in the next regular session. I realize the language reads "next session." I agree to that. I have the language before me. There is no doubt about that. The language says "the next session," but when this agreement was made the present special session was not in contemplation. Nobody thought about this special session. I think I am safe in saying that every Senator understood at that time that it was a matter of extreme doubt as to whether there would be a special session, and we all understood, at least I certainly understood, that when we should meet again in January 1938 the farm bill would be taken up, and, that being disposed of, we would then take up this so-called antilynching bill.

Mr. WAGNER. Mr. President—

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from North Carolina yield to the Senator from New York?

Mr. BAILEY. Certainly.

Mr. WAGNER. I had not intended to interrupt the Senator and I apologize for doing so now, but if the Senator will look at the discussion at the time the agreement was entered into he will find that the majority leader, our leader on this side of the Chamber, stated it referred to the session in January or an earlier session if there should be one.

Mr. BAILEY. That may be true and I would not dispute it. I wish to say to my friend the junior Senator from New York that he must not apologize for interrupting me. I welcome an interruption by him just as often as he wishes.

I am glad the junior Senator from New York called my attention to that statement. I was not aware the leader said that, but even if the leader said it, I certainly had in mind, and I think the Senate itself had in mind, that we would take up the matter in the regular session. I am perfectly willing to take it up in the regular session. I did not think at the time there would be a special session.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BAILEY. Certainly.

Mr. BARKLEY. Inasmuch as my name has been brought into the matter, I think I ought to say I confirm the statement made by the junior Senator from New York. At the time this agreement was entered into it was understood that "next session," as contemplated in the unanimous-consent agreement, included an extra session if one were called, because at that time there was considerable discussion as to whether there would be an extra session and none of us knew, so the language was deliberately chosen to include the next session whether it was the regular or a special session.

Mr. BAILEY. Very well. I thank the Senator from Kentucky. I thought, of course, the junior Senator from New York was referring to our late leader, the honored friend of us all, but since he reminded me the statement was made by the new leader, the honored senior Senator from Kentucky [Mr. BARKLEY], I suspect I was not even here at the time.

Mr. BARKLEY. I will say to the Senator that he had gone home because of illness and was not present at the time.

Mr. McKELLAR. Mr. President, even if that be true, the bill is being taken up at the extra session before the farm bill and not afterward.

Mr. BAILEY. I understand that, but I am going to waive that point. I am not specially concerned about such technicalities.

The farm bill is not ready. I am going to talk about that in a little while. I want to make clear this much: I was not here when the agreement was made. I have been actuated by the theory that the bill was intended to be brought up in the regular session. I am perfectly well aware now of what has been said by these two Senators. I shall make my argument on the situation as it is. Even granting that these things are so, however, I do not think it is wise or prudent, or even becoming, that this legislation should be thrust into this special session, and I shall make my appeal to the Senators to defer the matter.

This special session was called some weeks ago by our President, and called, as he stated, for four specific purposes. After he issued the call, there came in our land a series of events of the utmost concern to him and to us all. We have undergone the experience of a very severe "recession", as it is called.

We shall not quibble about those words, either. What we had in 1929 was a "depression." What we are having almost on the 8th anniversary of 1929 is a "recession," a returning downward in the same direction; and the President, in his message to us on Monday of this week, the day we met, in restrained and solemn language himself dismissed from his mind, not altogether but by way of placing them in a secondary relationship, the major matters which induced him to call the Congress together, and directed our attention to the fact that suddenly the country had found itself in a very severe and really alarming state of affairs which we have described as a "recession." The Congress meets, Mr. President and fellow Senators, in the view of those circumstances, and the President has directed that we take whatever steps we may to arrest these fateful tendencies. He has made certain suggestions to us about it.

I will say to my friend the junior Senator from New York [Mr. WAGNER], and I will say to our leader over here, and to all the Senators, and to the country, that in view of the unusual circumstances in which we have met—I will not say the desperate character of affairs, but I am a little afraid the situation is more desperate than we should be willing to admit—in view, at any rate, of the untoward situation, the loss of \$30,000,000,000 in values in securities on the stock exchange alone, the destruction of that immense backlog of credit, in terms of credit and currency circulation I think meaning one hundred and fifty or two hundred billion dollars (that is the credit value of those losses), and of losses in value of farm products like cotton and cottonseed and now even wheat and corn and real-estate values, and in view of the fact that so far neither the Secretary of the Treasury, nor the President himself, nor the leading Senators, nor the financiers, nor the experts, have been able to say anything that tended to shore up that landslide and prevent it from coming down upon us in disastrous proportions, the primary duty of the Congress is to address itself without delay to that situation.

I do think it is a strange gesture; it is the most discomfiting gesture—I could almost say it will be in the public mind a most disgusting gesture—for the Congress to sit here and fiddle away with legislation of this sort, unconstitutional as many of us think; futile as many more of us think; unnecessary as many of us think; the source of irritation, as all of us know; which can be enacted in 60 days as well as now—

Mr. KING. If ever.

Mr. BAILEY. If ever, and no harm done in the meantime by delay; whereas delay here, failure to meet this situation, may be fatal to the dearest hopes of every home in the land.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. BAILEY. Yes.

Mr. AUSTIN. I am interested to know whether the Senator does not believe that, should the Senate or the House start out on legislation that would hold out some hope, consistent with the message sent in to us by the President, that the obstacles which have been placed in the way of private enterprise would be removed before the end of this calendar year, the Senate or the House would proceed at once to the transaction of that business, regardless of party divisions or any other kind of divisions.

Mr. BAILEY. I thank the Senator. That is nobly uttered, and that is precisely the spirit in which I am speaking.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. MINTON. What is preventing the Congress of the United States from doing just the thing that the Senator from Vermont suggests? The White House has not said it should not be done or could not be done. What is to prevent the Congress of the United States from proceeding?

Mr. BAILEY. Mr. President, I am glad the Senator from Indiana has asked that question. It is not the fault of the President—oh, no! The fault rests right here. It is the fault of the Senate. We have a choice, my fellow Senators. We can postpone the consideration of this legislation to the day when I contemplated it would be heard—and I will say now that there is no possibility of my resisting a motion to take it up then—and address ourselves to this crucial situation, and, in the spirit which the senior Senator from Vermont expressed, forget our bickerings, forget our strifes, forget our disposition to complain, forget our disposition to "pass the buck" and find alibis, assume the responsibility, take hold of the powers that we have, and exert them in order that the American people may be delivered, if we can do it, from the disasters which so clearly threaten them. It is our fault if we do not do it.

If there is delay here, do not think now that you can bring up legislation of this sort and not expect us to be heard; but we are not bringing it up, and the responsibility is not on us. If Senators wish to address themselves to the situation of which I am speaking, they can do so, and do so without detriment to the country so far as this bill is concerned. The responsibility is upon us.

Not only that, Mr. President; we have a duty to ourselves in the Congress. If the Congress fiddles here about legislation of this sort while the country rocks as it is rocking, the people are going to lose their faith in the capacity of the Congress, and I should not blame them. Here they are with their incomes being taken away from them; here they are with their property taking wings and flying away over night; here they are, losing their jobs. Here are 2,000,000 cotton farmers in the South, and every one of them in danger of actual prostration. Here is the ever-increasing army of the unemployed. Here is the general unrest that comes to a country when we see our plans going awry, and our hopes being defeated, and our legislation not working out as we hoped. And here we are fiddling over a futile and a useless act!

What sort of picture does that paint in the mind of an American citizen? What does he think of a Congress that behaves in that way? The school-boy orator is always talking about Nero fiddling while Rome burned. Well, I rather think we paint just that picture of ourselves fooling with this lynching bill. We are fiddling while Rome burns. We do not seem to have any idea of doing anything else.

Get a conception of what the American people are expecting of the United States Senate at this moment. Do you think they, in their little homes, are wondering what we are going to do about a lynching bill that has been up here for 30 years? Why, the men and women by the fire-sides of America were saying a week ago, "We are glad the President called the Congress together. We hope the power of our great country will be exerted to stay this downward progress, and that we may be delivered"; but as they hoped and the Congress met, the second day after we met we got

to debating about a bill to prevent lynching, when as a matter of fact there were only nine or ten lynchings last year, and the number of lynchings has been constantly reduced in an ever-increasing ratio throughout the period since the Civil War!

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. BANKHEAD. Can the Senator tell me who is responsible for this tying-up of legislation, blocking the Senate, and preventing some Members of the Senate from attending to their legislative duties here? Is the Committee on the Judiciary, which reported this bill, responsible, if the Senator knows, for the motion to take up the bill now?

Mr. BAILEY. I do not think so.

Mr. BANKHEAD. Well, who is responsible?

Mr. BAILEY. I will say to my dear friend, the senior Senator from Alabama, that I am not disposed to undertake to lay blame.

Mr. BANKHEAD. I am not asking about blame. I am asking about the facts.

Mr. BAILEY. I should prefer not to do that. All of that would make for a great deal of retaliation. Here is what I am saying, and it is perfectly clear. I do not care who brought the bill forward; it is the responsibility of the Senate if the Senate takes it up.

Mr. BANKHEAD. I should like to know who is responsible, if I can get the facts, whether for censure or for credit.

Mr. WAGNER rose.

Mr. BAILEY. I will let my friend keep his seat, and I will speak for him. I will agree that my friend here, the junior Senator from New York (Mr. WAGNER), made the motion. He made it in good faith, made it out of a fine heart, made it out of a great sympathy; but I think he made a mistake. I will acquit him of anything like trying to ruin the country. I do not think that about him.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WAGNER. Is the agricultural bill, in which we are all interested, and with which we are all concerned, ready for the consideration of the Senate?

Mr. BANKHEAD. Will the Senator yield as quickly as it is brought in?

Mr. WAGNER. Yes. That was always understood under the agreement, and by any number of assurances given.

Mr. BAILEY. I am very grateful to have that statement.

Mr. WAGNER. I thought every Member of the Senate understood that.

Mr. BAILEY. Mr. President, I was not saying that I understood it or did not understand it. I just did not know, and now I know. However, that is not the main point. The agricultural bill is an important bill, but the agricultural bill alone is not going to stay the business recession, this downward trend. That is just one thing.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CLARK. Does the Senator think the bill to provide six additional anonymous assistants for the President, and to abolish the Comptroller General's office, would stay the emergency? That is the only alternative that was suggested here to the antilynching bill.

Mr. BAILEY. Oh, no; and I will make all that perfectly clear. I would throw that aside, too. The reorganization of the departments of Government is not going to affect the business recession. I will agree to that. The President himself said that it would not even tend to the balancing of the Budget, or reduce expenses. I am not pleading for that to come up, but I am pleading for the United States Senate to address itself to the most serious situation that has confronted it since the President of the United States took the oath of office on the 4th of March 1933. I do not think these are the only things we can do. I am going to discuss some of the things which I think can be done.

And I come first of all to the necessity of balancing the Budget of the United States—right in line with the President's message. He spoke as if he hoped we might bring the

Budget into balance; but his Secretary of the Treasury on the 10th day of November, in the city of New York, before the Academy of Political Science, uttered words as follows:

Our industrial recovery of the last year, however, has created large new demands for private capital. Our commercial banks have been again utilizing their credit resources for the financing of private industry. During the present calendar year the insured commercial banks of the country have substantially reduced their holdings of Government securities in order to meet actual and prospective demands for commercial credit. The obligations that they sold, plus an amount equal to the securities newly marketed by the Treasury, were purchased by investors. Any deficit spending under conditions of active demand for private capital would have to be financed in large part by capital funds that would otherwise be available for business purposes.

Hear me. This is very important. It comes from the Secretary of the Treasury, not from me:

The basic need today is to foster the full application of the driving force of private capital.

I agree to that.

We want to see capital go into the productive channels of private industry. We want to see private business expand. We believe that much of the remaining unemployment will disappear as private capital funds are increasingly employed in productive enterprises. We believe that one of the most important ways of achieving these ends at this time is to continue progress toward a balance of the Federal Budget.

My fellow Senators, we are looking for a remedy for this situation and we find these words coming from the highest financial authority in the Government. This is the Treasury, and the Secretary of the Treasury, speaking, and he is telling us that the time has come when we must look to the investment of private capital and that the basic need with a view to that investment is progress toward the balancing of the Budget.

Let the word go forth to American business tomorrow that this Congress and this administration are going to stop talking about balancing the Budget and are going to proceed to balance the Budget, and that will be the first step toward encouraging the investment of private funds in enterprise with a view to staying the progress of the recession, and toward employing people. And let us balance it by reducing expenditure.

It is said of us sometimes that we do not have a remedy. There is a remedy, and that remedy is needed at this moment. We are in the process now of transferring from deficit financing by way of borrowing public funds almost after the manner of forced loans from banks, and having exhausted that resource we are now coming to the time, and the time is really here, when we must look to private capital to save the country. We have reached the inevitable period of transition.

We have used public capital to the extent of \$15,000,000,000. We have pulled it out of the Treasury by way of loans from the banks and the issuing of bonds and certificates until we have reached the point where everybody in the United States is afraid that the national credit will be adversely affected. We dare not go farther.

Along that line I am very happy to say that the President of the United States used this language on page 2 of his message, which is in the possession of us all:

Obviously, an immediate task is to try to increase the use of private capital to create employment.

Mr. President, that is what the President of the United States said. The Secretary of the Treasury is looking to the use of private capital; the President of the United States is looking to the use of private capital, because after 4 years of the use of borrowed public funds we have realized we have reached the end of that resource. The primary necessity, therefore, in America today is a national policy that will encourage business.

There is the point. We are not going to get out of this situation by borrowing more funds. We are not going to get out of this situation by the old artificial means, and the more of those means we use now the worse it is going to be for the country. There is only one way out of this situation, and that is by the adoption of a public policy, in the

Presidency, in the Cabinet offices, in the bureaus, and in the Congress, calculated to restore confidence in the minds of the men who conduct the businesses and the enterprises and the industries of our country.

I wish to drive that home. I am not content to say that balancing the Budget will be sufficient. There are a great many other things we have to do. I want a public policy which will shore up the confidence of the American people, that when they invest their money in enterprises the possession of those enterprises will remain in themselves. That brings me to one other point.

Last spring we went through a most terrifying situation in this country. We saw the condition of industries throughout the country in which good men and good women had invested their life savings, not all of them rich people, many of them poor people. The average stockholder is not a rich man. There are nine or ten million stockholders in the United States. We saw a situation in which irresponsible people walked into the mills and factories of America, took possession, would not let other people work in them, and would not work in them themselves. How can we expect people to invest money under such circumstances? Suppose I had \$10,000 to invest; I would want to invest it in something where I knew my interests would be protected. I would want to invest it in something knowing that the wheels would be kept turning, knowing that profits could be made.

I want an end of the condition that existed last spring. I have no patience with professional agitators who try to maintain that policy. I have no patience with politicians who cater to the men who maintain that policy. I am perfectly willing to go to grips with this institution called the C. I. O. It either has to obey the law or fight with me. Talk about lynch law; let us apply your principle right there. Law is law.

What happened about that thing? When those conditions were brought about, the Secretary of Labor of the United States actually came out in a public statement and said that the legality of the sit-down strike had not been determined. What effect did that have upon business?

Senators will get the point. Here is a man with \$10,000 to put into a business, but the legality of his right to the possession of the business has not been established as against the man who simply walked in there and said that he would not work and nobody else should.

If Senators wish to know what has gone on in this country, if they wish to know why this recession is here, I say it is here because the people of America have had an experience which tends to destroy their faith in the power of the Government to maintain their rights. That is plain language, but that is so. I am not blaming the national administration. The primary duty there was on the Governors of the States. That is precisely in accord with my position here about this bill. What happened about the States? There are bootleg coal mines yonder in Pennsylvania in possession of irresponsible men. The owners cannot mine the coal in them. Trespassers go in and get the coal themselves, and nothing is done about it.

Senators know that the threat was made to bring mobs down upon half a dozen towns in Ohio and Pennsylvania, and some in Illinois. I honor the Governor of Ohio. After a little delay he did call out the militia, he did restore order, he did reassert the right of an owner of property to have possession against the world. That is the ancient common law. We are all going to honor him. But what are we going to say about these Governors who ran in and out and up and down and did nothing, while the faith of the American people in the soundness of their investment was undetermined to the point of absolute destruction? There is a constructive policy for you!

I go back to George Washington. It may be recalled that after the War of the Revolution, when this country was all shaken up, there were riots and tumults in Massachusetts, and that General Knox, who was at that time a Member of

Congress, wrote to George Washington asking him what to do and saying:

I wish some influence could be brought to bear to bring peace and stability in Massachusetts.

George Washington answered and said:

We do not need influence. If there was such an influence, I would not know how to bring an influence to bear that would restore order under these conditions. What we need is government.

Then he defined government:

Government in which our lives, our properties, and our liberties will be secure. Let us have this sort of government, or let us know the worst at once.

Mr. President, I repeat George Washington's words:

Let us have a government in every State, and in the United States, under which we will know that our lives, our liberties, and our properties are secure, or let us know the worst at once.

That calls for a strong policy. That calls for the assertion of the power of law, not only in the matter of lynching but in the matter of every sort of violation of order. That is my second point. When you come to that point, then call on private capital to put out its funds; but do not ask a man to invest \$10,000 in an institution and at the same time tell him that the Government will not protect possession of it and not enable him to run it; that it will let a crowd of labor agitators and sit-down strikers take possession and hold it until every piece of machinery rusts, and if they are not satisfied "We will invite mobs, 30,000 at a time, from the surrounding country, to take possession of the town itself."

What America needs is government, State and Nation. This is not a gift enterprise, this United States. It is a government.

That is another point we have to come to. If it is desired that the investment of private capital in America be revived, then give private capital the assurance that the ordinary safeguards that government gives capital will be maintained.

We want a national policy which will not interfere with private capital. I do not mean that when a man does wrong he should not be stopped; I do not mean that when a man perpetrates a fraud he should not be punished; but I do mean that when a man attends to his business and runs his business he ought to be helped in every way that the Government can help him.

I desire to tell the Senate a story. Down in Morehead City, N. C., where I spend my little time of rest in the summers, most of the people were unemployed. I think there was a time when 60 or 70 percent of the people in the county in which that city is located were on relief. A group of businessmen—every one of them known to me, not one of them worth over \$25,000, and most of them not worth over five or ten thousand dollars, just fine young fellows in the town, men with a lot of enterprise—looked into that situation, and they got a chance to build a shirt factory, and they did build a shirt factory. They rented it out to some company that would operate a shirt factory, but they furnished the factory. They got the thing running. They had 150 women employed.

They were learning the business, and they were learning rapidly. The business was doing very well. I do not say that the wages were high. I think the wages were low, but the people were happy. They were not on relief. They were not looking to the W. P. A. They got their pay because they earned it. They created the wealth that paid the wages. By and by, down came to that little town two C. I. O. agitators. They sowed the seeds of distrust amongst those humble people. They tried to put on a strike. The people in the town just did one thing. They got hold of those two fellows, put them on a bus, and said, "You clear out of here," and if they had not cleared out, I do not know what would have happened; but they cleared out. It was pretty rough of them, pretty strong of them, but sometimes you have to do something when people come down to break up your civilization.

What did those two do? They came up here to Washington to the thing they call the N. L. R. B., and the N. L. R. B. has been investigating and lecturing and ruling and examining and lawing at them from that day to this. Do you think those people feel like ever again putting up any money to build a shirt factory? You have to have a public policy to end that sort of thing. You have to stop that sort of thing. What inducement is there down there to go ahead any more? The people down there called to me and said that they were haled up here before the Board and asked if I would go before the Board with them. Well, I will go if I can, but what can I do before the Board? All over the country people have the idea that the Board is aiding and abetting in fomenting this sort of thing.

Now, I just make my point. If, as the President said, you want to induce the investment of private capital in America right now, assert a public policy that will encourage the investment of private capital, put an end to this meddlesome interference with the affairs of the people.

Mr. KING. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. KING. I have received scores of communications during the past 2 months in which those who sent them protested against the arbitrary and, I believe, illegal course of this Board. I think it ought to be wiped out, and we should get an honest board, or else change the policy.

Mr. BAILEY. Yes, Mr. President. I thank the Senator. My mail is filled with that sort of thing.

I wish to reiterate my point. It is not, my friends, the fact that they are interfering. We could stand that. It is the fact that their interference is discouraging all men from putting out their money. I do not want to invest my money if I shall have a gang of meddlers after me all the rest of my life who will destroy my investments. And they call that being "social minded"! There is nothing social minded about it. It is destructive of the social influences of good people.

I come back to the Morehead City situation. Those Morehead City men were not thinking about making money. They were thinking about relieving the people. They were thinking about building the city. Now they find themselves in a great big mess because they tried to do that, and if the factory is closed all these people will walk right back on relief. There is the situation; and these men will never put up another dollar for such a purpose while they live.

Mr. President, that is not all. I am giving specific instances because I do not think generalities go very far. I am coming back to my State of North Carolina. I will tell the Senate a story concerning the R. E. A., the Rural Electrification Administration. I know every word of it to be true, and I know it from the record. A group was formed of farmers in Johnston County, N. C.—which is a big county full of fine little towns, and successful farmers, too—to bring about the construction of electric lines in that county. The farmers applied to the Rural Electrification Administration. The Rural Electrification Administration wrote that they would let them have \$189,000, but they could not give them assurance that they would have another dollar.

These people needed about \$230,000 to \$250,000. They went to the local power company, the Carolina Power & Light Co. I know that a man runs a risk of his political life here by mentioning the power companies, but I am not ashamed to mention the power company. That power company has been operating in my city, I should say, for 40 or 50 years. Everybody connected with it is a respectable person. They have reduced their rates constantly, and I should be ashamed of anyone who is afraid to stand up in the Senate and say anything about a power company.

As I said, these farmers went to the power company, and the power company said, "Yes; we will build you a line." Hear me, Senators! The company said, "We are going to build a line," and they went ahead to build it, and the Rural Electrification Administration tried to stop them, and actually wrote to me saying that if we did not change our policy they would withdraw every cent of money from North Carolina. I

told them to go ahead and do it and spend it somewhere else. I was not going to yield to anything like that. The man who had charge then got out. I thought the new one would do the work better. The line was finally got going down there, about 300 miles of it. I think altogether about \$325,000 was spent upon it. The farmers are happy. Everybody is satisfied. Everyone is looking forward to getting the power and light at very low rates; and the Rural Electrification Administration up here wrote to me again and said they would have to change their policy in my State unless our people, our farmers, stopped inducing the company to build this line.

What sort of encouragement is that to private capital? I am told that the power companies of America are ready today to invest \$2,000,000,000 in electrical development in this country. If they are, let us pursue a policy that will encourage them to do it. I do not mean to give the country over to them; oh, no; but let them have the fair return of which the President spoke, a fair return upon the reasonable investment of their capital. Let them understand that nobody can take it away from them; let them understand that the Federal Government will not compete with them; let them understand that the money they invest is theirs; that the money the stockholders invest is theirs; and we will see the money come out and be invested. That is the only way it can be brought out.

An effort was made to enjoin the building of that line down there by the national authority, but finally they got it built. The power company went right on until they built the line, and it is now finished. I think there is some sort of a suit about it now pending. This is my point about that—you cannot have the Federal Government trying to keep the power companies from building lines in Johnson County and at the same time expect the power companies to float stocks or sell bonds or build lines. It is necessary to go one way or the other.

I will give another illustration. We have a river in North Carolina called the Yadkin, which flows from away up in the northwestern part of the State in Wilkes County down to the southern border and then widens out and empties into the sea in South Carolina. Since the good Lord made this world no human being has ever been able to navigate that river. It can hardly be waded, it is so rocky, much less traversed by a boat. There are five dams up the river and one down here—great big concrete dams—because of the great descent from the mountains to the sea the water constantly falls, and there is much power. A great corporation bought a dam site at a place called Tuckertown. That was within the last 6 months. The place called Tuckertown had four dams below it toward the sea and one dam above it. The corporation wanted to invest \$6,000,000 at Tuckertown. The people of North Carolina wanted them to invest that \$6,000,000; our State and our counties wanted to tax that \$6,000,000; the workers wanted to work to get that \$6,000,000; the concrete interests wanted to sell concrete for the \$6,000,000; but what, Mr. President, do you suppose happened? The Power Commission up here set up the theory that, by some remote possibility, that river might be navigable, and so the project is undeveloped to this day.

How, in the name of Heaven, Mr. President, do you expect capital to be invested under such circumstances? If you think what I have said is a fairy tale, go down and inspect the record. I have watched it week after week and month after month.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. BARKLEY. Does the Senator know whether some previous session of Congress or the legislature of the State declared that stream to be navigable in order to obtain a Federal appropriation?

Mr. BAILEY. I will say to the Senator there has been no declaration of that sort. This man McNinch started it. He has gotten to be one of the great men of the administration, and God forbid that I should say anything to diminish his greatness; but he set up the idea and took jurisdiction. Now he has gone to running the radio business, and left it

up there, and I do not know what they are doing about it; but there is not any law saying that the river is navigable, and if there was, it would not make it navigable.

Mr. BARKLEY. My question was prompted by the fact that we know that frequently, in the past, legislatures have passed acts declaring rivers navigable, and Congress likewise has done so, in order to get Federal appropriations for building dams.

Mr. BAILEY. I assure the Senator that the Legislature of North Carolina never declared the Yadkin River to be navigable and it never asked a Federal appropriation for it.

Mr. BURKE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. BAILEY. I yield.

Mr. BURKE. It may be, of course, that that water flowing into the ocean makes the ocean more navigable. That is the principle which was applied in Nebraska. The Platte River, which is not and never has been navigable, has been declared to be a navigable stream and taken over in the same way, because, it is said, the Platte flows into the Missouri, that the Missouri is a navigable stream, and the waters of the Platte may increase the navigability of the Missouri.

Mr. BAILEY. I thank the Senator. The Yadkin River might be navigable down in South Carolina, but they could not find that anybody had ever navigated it. But suppose they had proved it was navigable in South Carolina. There are already five dams built, and one more dam at the site to which I have referred would not make it any less navigable. I am not complaining about that; that is not the point. I am using it, however, to illustrate the contention that we have got to change the national policy if we want capital invested as the President asks be done. That is my point. That is up to us. We can do that.

That, however, is not all. I will give another instance. In western North Carolina—and I wish my colleague the junior Senator from North Carolina were here in order that he might dilate on the beauties and glories of that section, as he sometimes does—there is a river we call the Nantahala, a very beautiful name, on which I like to dwell, because the Indian meaning of the name Nantahala is "water of the noonday sun."

The Indians gave it that name because the gorges are so high on either side of the river that a man fishing in the river never sees the sun until noonday. One of the greatest power sites in the eastern half of our country is on that river, and a great corporation—I run the risk of my political life by mentioning its name, but I will take the risk—the Aluminum Co. of America, wished to build a dam there; and by the way, it was the Aluminum Co. of America also that wanted to build the dam at Tuckertown. Let me say something more. I want the Aluminum Co. of America to invest money in North Carolina. Why should I not want them to do it? I should like to tax it to support our schools; I should like to tax it to support our State and local governments; I should like to use it to employ our labor. We have got to a point where a man is afraid to mention the name lest somebody will go home and say, for instance, "BAILEY sold out to Aluminum." Well, say it, and go to perdition and take my contempt with you; I am through with all such business. I am not afraid, and I do not believe the people of North Carolina have any patience with that sort of thing.

This company wished to build across the Nantahala River a dam higher than the Washington Monument, a dam which would compare favorably with some of the western dams the Government is building and which I read about in the newspapers, a dam 570 feet high. I would hesitate to say what a tremendous lake it would create and what power it would develop, but I know, from an examination made here in the Congress, that that dam would assure 100,000 horsepower at Muscle Shoals free of charge to the Government without any trouble. The corporation wished to build the dam and spend over \$20,000,000. It has been trying to build that dam for 3 years. What happened? The T. V. A. found

that the corporation had that dam site in that valley; that they had bought all the land except 62 acres in one place and 12 in another, and the T. V. A. bought those two tracts. A dog-in-the-manger policy stopped the investment. That is what happened.

Some Senators may remember we passed a bill to correct such a situation. It was corrected right here in the United States Senate, and I thank the Senator from Nebraska [Mr. NORRIS] for aiding in that effort. After a hearing, he saw the unfairness of it. But have they built the dam? No. The Nantahala happens to run into the Tennessee River, and the Tennessee River runs to Muscle Shoals. There is an interminable debate down yonder concerning the power business by the T. V. A., and as to what can be done. The consequence is the water flows uselessly to the sea, and the money is not expended for the relief of the people.

It is a very simple proposition. I know what the company proposed. They said to the T. V. A., "You build the dam and we will buy the power or we will build it and sell you the power," but they could not get along even on that basis.

Mr. President, I am saying to the Senate, I am saying to the country that if we want a national policy that will encourage the investment of private capital, as the President says we want to have—and I read his language. He says:

Obviously an immediate task is to try to increase the use of private capital to create employment—

If we want to perform the obvious task which the President points out, do not leave it to Government bureaus but tell them either to do it themselves or let private capital do it, and when private capital does it let the Government tell private capital that private rights are sacred under the Constitution and laws of the United States.

That much about investments. I have another thought. The people are not going to invest money in industries in the United States and private capital is not going to be invested in industries in the United States so long as we are in all sorts of doubt about the Constitution of the United States. The Constitution is the source of the business as well as the moral and spiritual stability of the American people. Here we have on an agitation about appointing men to the Supreme Court who will construe the Constitution economically. The Constitution was intended to be construed judicially, to begin with, and to speak the truth always. There exists an idea that we can change the Constitution of the United States by changing the membership of the Court.

I am glad that controversy is over. I do not intend to arouse it again, but there came to my State of North Carolina in the last 6 weeks an Assistant Attorney General of the United States, Mr. Jackson, who said on the platform of the university of the State that the Supreme Court, whenever it holds an act of Congress unconstitutional, defies democracy in America—as much as to say, "We are the law, and whatever we say must go." With that sort of thing going on in the country, why should we expect men to invest their money? If that is the case, Congress has the supreme power and it can take my property and my rights and do with them as it may choose.

The moment we convince the American people that they have a Constitution, that the Constitution is sacred at least in the eyes of the men who have taken a sacred oath to maintain it—and I think it is sacred, at any rate, in that respect—and that the Constitution can be depended upon in time of need in any court, and that it will not be construed to suit the demands of any emergency or the demands of any party or the demands of any faction—whenever we get that thought fixed in the minds of the American people, they will put out their capital and invest it. No man is going to invest his money, no man is going to invest his savings, no man is going to risk his wealth or his property when he does not know that his title will be protected and his rights of possession will be preserved.

Mr. President, I have another thought for consideration. I think the primary task upon the Congress right now, in the light of the President's message, is to repeal the undistributed-profits tax provision which we enacted in 1936. That

undistributed-profits tax is destructive of the credit of every corporation in America. If I lend a corporation \$100,000 it has to pay 27 percent taxes before it pays me back, but it has to pay only 15 percent taxes if it does not pay me back. I am sorry the senior Senator from Mississippi [Mr. HARRISON] has stepped out of the Chamber. He said today in one of the newspapers—this is the language of the chairman of our Finance Committee:

Today if a corporation owes money it has to pay a penalty tax; if it wants to expend money it has to pay a penalty tax. I am opposed to penalizing a corporation that wants to pay its debts or expand its plant operations.

That comes from the Senator who was chairman of the committee when that bill was passed. I say to the Senate there were at least eight Democratic members of the Finance Committee who knew the bill was wrong and who said so upon every occasion in the committee, and at the White House. I say, and I am looking into the face of a Senator who will bear witness to the truth of it, that over and over again in the committee we pointed out to the Treasury authorities that the tax would be very hard on every little corporation, every debtor corporation in America, and would threaten the destruction of American business. What was the answer we got? The attorney for the Treasury Department, when we said this provision would make it impossible for a corporation to pay its debts or accumulate a surplus, actually said to us, "The corporations do not need any surplus."

Dwell on that for a moment, Mr. President. Think of the attorney for the Treasury Department of the United States saying publicly and for the public record that "corporations do not need a surplus." Of course, that is notice to every investor in America that surpluses will not be accumulated to protect his investment. Senators, remember that he said that. I was utterly amazed that he should make such a statement.

Mr. BARKLEY. Mr. President—

Mr. BAILEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I happen to be a member of the committee.

Mr. BAILEY. Yes; and the Senator was present.

Mr. BARKLEY. Will the Senator give us the name of the attorney to whom he refers?

Mr. BAILEY. Mr. Oliphant.

Mr. BARKLEY. I am not familiar with Mr. Oliphant's statement on that subject with respect to that particular tax, but I do not remember that he made that statement.

Mr. BAILEY. He not only said it, but when we asked what he meant and how a corporation would pay its debts, he said, "Let them sell stock." We immediately pointed out that they could not sell stock in hard times. I am talking in the presence of at least three Senators who are members of the Finance Committee, and in the presence of our leader, who is likewise a member of the committee. I have not any question the attorney said that. When a man makes a statement that utterly astonishes, one is bound to remember it. I got the idea that we have a man in the Treasury Department who actually comes before the Finance Committee of the United States Senate and proposes a penalty tax upon the accumulation of surpluses, and when we try to point out the necessity for surpluses with a view to expansion, he says that corporations ought not to have surpluses, that they do not need them. I contend that a Government which has that sort of man at the head of affairs cannot ask or expect capital to invest its money. He ought to change his views or we ought to get somebody in his place who at least has enough sense to know that a corporation must accumulate a surplus in order to expand.

That statement has lived in my mind during the year as I have watched the progress of business. I know of no one in North Carolina, not one, who does not want that law repealed. There is some talk about repealing it when Congress convenes for the regular session. I say no; let us repeal it today. The whole country is against it. The President himself says it is not working and that it has

to be modified. The chairman of the Finance Committee, who voted for it originally, now says it will not do. Eight or nine Democrats who are members of the committee voted against it originally, and all of them are against it now. I think other Democratic members of the committee are against it. I know we have the chairman of the committee who is now opposed to it and whom we did not have before. I know we had another member who has gone now where he will never have to worry again about finances, and I think he may be better off up there than he was on the committee. I do not know, but I hope he is.

Mr. President, I have been trying to show the Senate in a constructive way what we could do by way of accomplishing what the President says is an obvious task. I am trying to address myself to this difficult situation by way of constructive things the Congress and the Government can do to induce the investment of private capital. I am in full agreement with the President in that respect.

I think I have said enough about that. There are a great many other things we could do, but there are those big things that I should like to bring to the Senate and say to the country: If we will repeal the tax on undistributed profits without ceremony—just pass a little two-line act repealing it, which I shall be perfectly willing to introduce tomorrow—and then go back to the old law, which says surpluses shall not be accumulated unreasonably to defeat taxes, we shall find a great sigh of relief all over the country, and we shall see some revival right away.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. BAILEY. Yes.

Mr. KING. Of course, the Senator appreciates the fact that bills relating to revenue must originate in the House of Representatives.

Mr. BAILEY. I agree with the Senator about that, but I will put it in this way: While we cannot repeal the revenue act, I should like to introduce a resolution saying that we are going to repeal it just as soon as the House sends any amendment over here to which we can attach the repeal.

Mr. KING. If the Senator will pardon me, I was so opposed to that measure that immediately after it passed and was approved by the President, early in January of this year, I introduced a bill which practically repealed the undistributed-profits tax and also repealed the capital-gains tax; and it is now pending before the Committee on Finance, of which the Senator is a member.

Mr. BAILEY. I am very glad to hear it. In the meantime I should be glad if somebody would bring in a resolution something like this:

Resolved, That it is the sense of the Senate of the United States that the present undistributed-profits tax ought to be repealed without ceremony at the first opportunity.

I believe that if we passed a resolution of that kind there would be a sense of relief in America, and the businessmen of America—and by that I mean the little fellows as well as the big ones—would get the idea that they could invest their money, they could employ people, they could buy goods, they could turn wheels, they could make profits, and there would not be any penalty on them because they accumulated a little money to expand their enterprises. I think that is very simple.

I am glad we had that experience. It was a costly thing for the country; but after Senators fought against that bill as they did and have come back here vindicated by the experience of the whole country, as we have been, I rather think the Finance Committee will be inclined to listen to us a little bit more than they were in that session; and I am happy to know that the chairman of our committee, Chairman HARRISON, has come out so strongly against the legislation.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. BAILEY. I yield.

Mr. BARKLEY. I do not care to get into any controversy as to the meaning of what was said by the chairman of the Committee on Finance. The chairman, as I understand, has not come out in favor of the repeal of the law, but in favor of a modification of it. I think the Senator will find an overwhelming support here for a modification of the law levying a tax on undistributed profits, and probably for some modification of the capital-gains tax; but it is not my understanding that the Senator from Mississippi [Mr. HARRISON] declared himself in favor of an absolute repeal of the tax.

Mr. BAILEY. We can settle that by quoting the newspaper. I think the New York Times is a very reliable institution—not only a newspaper but an institution.

WASHINGTON, November 16.—Plans for tax revision to help a revival of industry were pushed further today by House and Senate leaders. Senator HARRISON, chairman of the Finance Committee, said upon his arrival in Washington this morning that he favored changes in the tax system which would encourage industry, specifically mentioning modification of the undistributed profits and capital gains levies.

That is what the newspaper says. Now, here is what the Senator from Mississippi says. This is in quotations from the Senator:

"The main thing I have in mind is employment, and if private industry is given some encouragement it will help," he said.

Very nicely put. "If private industry is given some encouragement it will help," he said.

"Today if a corporation owes money it has to pay a penalty tax, and if it wants to expend money it has to pay a penalty tax. I am opposed to penalizing a corporation that wants to pay its debts or expand its plant operation."

I will let the language speak for itself. The Senator from Mississippi is opposed to a penalty tax, and the tax on undistributed profits is a penalty tax. I do not know that I would speak any more for him than I can speak for myself. I am opposed to that whole theory.

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. BAILEY. I do.

Mr. MINTON. Does the Senator consider that the chairman of the Finance Committee by this statement indicated that he was in favor of the repeal of the act, or in favor of its modification?

Mr. BAILEY. He said in the first sentence that he was for modification. I read it so that we would have no trouble about it. I am not trying to say that he said he would repeal it. I said I wanted to repeal it, and I quoted what he said about it—that it was a penalty tax. I quoted his language. We cannot do a man any harm when we quote exactly what he said. I will leave the Senator to judge what the language means. I have not any doubt about it.

Mr. MINTON. Is it not a fact that the House committee at the present time is making a study of these tax matters?

Mr. BAILEY. Yes; but this is a matter that does not require any study. The whole American people know that this thing is wrong.

Mr. MINTON. Whatever is done must originate over in the House.

Mr. BAILEY. I just agreed to that. The Senator is about 20 minutes late on that.

Mr. MINTON. I happened to be out of the Chamber.

Mr. BAILEY. I beg the Senator's pardon. Instead of being late the Senator was absent.

Mr. MINTON. I always try to hear everything the Senator from North Carolina says.

Mr. BAILEY. Then I will say that the Senator from Indiana is a very fine Senator, and, while I would not especially praise him for obedience, I think he is a quite obedient Senator under the circumstances.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. BAILEY. I do.

Mr. HARRISON. I heard the Senator mention my name, but I did not hear the remarks that were attributed to me. I was wondering if I had been brought into the discussion in any way. If so, if I can clarify matters by any expression, I shall be glad to do so.

Mr. BAILEY. Mr. President, I will say to the distinguished chairman of our Finance Committee that I brought him into the discussion with a great deal of joy and satisfaction. I was quoting what the New York Times said as to the Senator's interview. I think the Senator is familiar with it. I have read it twice. I have not tried to change it or modify it. I said, "Here is what the Senator from Mississippi said." I am very glad he said it, and I think he is along with all the rest of us. I am saying that I want the whole thing repealed. The Senator's statement said that he wished it modified; but he described the tax as a penalty tax, and said that a man who wished to pay his debts is penalized, and a man who wishes to expand is penalized. That is what I quoted, and I think the Senator will agree to that.

Mr. HARRISON. Yes; I stand by the statement I made.

Mr. BAILEY. That is all right. That is all I am standing by.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. BYRNES. Does not the Senator believe it to be the proper thing to levy taxes for the purposes of raising revenue and not for the purpose of accomplishing social reforms?

Mr. BAILEY. What is the question?

Mr. BYRNES. Should we not levy taxes solely for the purpose of raising revenue, instead of for the purpose of accomplishing social reforms?

Mr. BAILEY. Oh, as I have always understood, taxes ought to be levied to raise revenues for the purpose of maintaining the Government. I see now what the Senator is driving at. He is assuming that the theory of this act was to affect the social course or the business course of corporations; that it was the levying of a tax in order to drive them in a certain way or compel them in a certain way. We have a great deal of that now, as the Senator knows. We had the Bankhead tax. That is for the purpose of penalty, and not for the purpose of revenue. We had the Kerr-Smith tax. That is for the purpose of penalty. Then we have the Guffey Coal Act tax. That is for the purpose of penalty. I am a little bit afraid we have gone a long way in the direction of using the taxing power which the people gave us as a penalty power to control. I do not think that is right. No; I do not. That is just what the European governments did that we rebelled against. We did not want them to do it to us. We framed the government of our country so that it could not be done to us; but it is being done, and I am sorry that it is being done. That is the way governments usually go, however.

Mr. President, I have gone through these matters just for the purpose of trying to point out, in the light of the President's message, the things that I think the Congress can do right now; but if it is going to do these things we cannot fritter away our time fooling with this antilynching matter, and if we take all this week for it we shall have only 4 more weeks for all the other legislation before the Christmas holidays. Our leader said in the newspapers this week that this session would last about 5 weeks. I take it that is a fair statement of it; and this week is the first of the five.

Mr. BARKLEY. Mr. President, assuming that we shall have a Christmas recess of a week or so, 5 weeks would take us practically up to the Christmas holidays.

Mr. BAILEY. That is right; and here we are going to waste this week with all this task on us, all this opportunity to encourage private capital, knowing that we shall have to encourage it or plunge this Government into debt and into socialistic policies more and more, deeper and deeper, and then get nowhere at the end.

That is my situation. I think it is time that we addressed ourselves to the great purposes for which we were called, and

the purposes to which the President especially directed our minds in his message received here on the first day we met.

Now, I should like to beg my friend—for whom I have the very highest regard, and on whose character I would not reflect under any consideration—to take thought about this matter overnight with a view to letting this whole debate go out of the window, and bring back the measure in January, and in the meantime permit this special session of the Congress to address itself to the great national needs which face us in the gravest sort of way.

Mr. President, that is the way I feel about it. I do not think the special session is a session for this sort of thing, and I am saying that the American people will be tremendously disappointed, and I fear very greatly disgusted, when they read in the papers that there is a filibuster here about a lynching bill, that there is a lot of debate about a lynching bill. That will get out, and they will say, "There is a lot of debate about a lynching bill. We are suffering, not knowing what to do, and our representatives are sitting up there debating about a 30-year-old lynching bill."

I do not think that is a good picture for us. I do not think the people are going to like that. I know that is not going to do our country any good. So much for that.

I shall now proceed to a discussion of the bill itself. I am going to make a proposition about the bill, and go along in a quiet way and undertake to show some points about the constitutionality of the bill.

I may say, Mr. President, at the outset, that I am not much concerned about trying to convince anyone about this matter. I know that the minds of Senators are made up. I think any argument about the matter is more or less vain, certainly vain so far as converting votes is concerned. But I am motivated in this undertaking now wholly by way of making a little record here, and not for my own benefit.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CONNALLY. In speaking of the program for this session, and the matters to be considered at this session, of course the Senator is familiar with the President's message which was read here.

Mr. BAILEY. I read some of it today.

Mr. CONNALLY. Since we adjourned, has the Senator heard any demand by anyone, in the press or on the forum or anywhere else, that this bill be taken up at this session and acted on as a part of the program?

Mr. BAILEY. Of course not. I think it is a great surprise to the American people, after looking forward to us meeting here, to find that we are debating an old lynching bill, after we get here with a great blowing of trumpets, at a cost, I think I saw somewhere, of \$225,000 just to get us here, although I do not know about that, and probably the session altogether will cost the Government \$500,000, perhaps \$1,000,000.

No Negroes are going to be lynched in the next 2 months. I feel perfectly sure the lynchings number less than one a month, and more are lynched in summer than in winter, so I think we can be almost safe in saying nothing is going to happen along that line during the next 2 months. But think of what is going to happen to the country.

There is a tide in the affairs of men
Which, taken at the flood, leads on to fortune.

Mr. President, I sometimes think we have missed the boat two or three times. I think that if we had balanced the Budget in 1935 we would be on the way out. I have often thought that if, when the great rise occurred in the summer of 1933, we had then called on business to triumph with us and go on in the old American business way, probably everything would have been all right. I think that last year we might have set about to balance the Budget. But we missed it, and now we have to balance the Budget when the revenue is going down and the tide has set in against us. But it is not too late. I am willing to go at it right now. It would have been easier to do it last year, and

heaven knows it will be harder next year than it is now. I know what it means to undertake to do it. We will have cries coming from all the American cities for projects and more projects. I am ready to stand the gaff. We will have cries from businessmen for the Government to pour out more money. I am willing to say now that this Government was not intended to pour out money.

I am glad the people got relief when they did. I have no quarrel with what was done in the emergency. I am merely saying that we are at the point where we have to cross the bridge, leave the artificial system, leave the borrowing system, and, to quote the words of the President, "Obviously, an immediate task is to try to increase the use of private capital to create employment."

I want Congress to address itself to that. I was saying I was going into the constitutional argument on the subject of the proposed legislation for one or two reasons. My first reason is that the Senators sponsoring the legislation claim it is different from legislation submitted here heretofore, and that would justify the reconsideration of the whole argument. Even if that were not so, in view of the fact that we have reached the point where this legislation is going to be voted on, and, in all probability, voted on affirmatively, I believe it is incumbent upon those of us Senators who believe that it violates all the traditions of our country, who believe that if adopted and the Supreme Court held it constitutional it would really destroy the whole character of the structure of these 150 years, in view of that, I believe that those of us who are now about to die in the arena, at last, where Underwood fought and triumphed, where Vance and Ransom fought and triumphed, where old Wade Hampton fought and triumphed, and we who are to die, might at least be allowed to make a little record to show the reason for the faith that is in us, to bear testimony to our profound conviction as to the character of our Republic and as to its meaning for ourselves and our children.

So, Mr. President, I am going to make my first proposition. The proposed legislation purports to be founded on the fourteenth amendment of the Constitution of the United States, and it reads, with respect to that language, as follows:

That the provisions of this act are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment of the Constitution of the United States and for the purpose of better assuring under said amendment equal protection to the lives and persons of citizens and due process of law to all persons charged with or suspected or convicted of any offense within the jurisdiction of the several States.

That states the grounds and the source of the power which is invoked to sustain the proposed legislation.

I affirm that there is no authority whatever in the Constitution and no authority in the fourteenth amendment to the Constitution that will support the proposed legislation in any aspect of it. That is a very broad statement, but I am going to undertake to sustain it, and I am not going to undertake to sustain it by rhetoric, I shall endeavor to sustain it by the decisions of the Supreme Court of the United States in analogous cases involving the fourteenth amendment. I will take my time. I am sorry to say I have to do it, but I am going to do it if it is the last act of my life, in order that the RECORD may show that there were at any rate some of us who challenged this legislation on the threshold.

I shall read from the famous Slaughterhouse case, which was the beginning of the line of cases under the fourteenth amendment, and which had the utmost significance in the history of that amendment, and also in the history of the whole process of our Government after the Civil War. The case relates to an act of the Legislature of Louisiana of the 8th day of March 1869. The case occupies over a hundred pages in the report. I wish very much that I could afford to have it printed, because I think the American people are just losing sight of these cases. They will not read them any more.

I am not going to ask that that be done, however. I am going to read what the Court said in the opinion, at page 72 of the Eighty-third United States Reports; that is 16 Wallace. I read as follows:

The first section of the fourteenth article, to which our attention is more specially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States.

The whole trouble here in understanding the fourteenth amendment is the trouble of not making the distinction between the rights and the privileges and the status of a citizen of the United States and the rights and the privileges and the status of a citizen of the State. There is a great gulf between them, and they are just as much distinguished as one man is from another, and this decision makes the distinction.

No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this Court, in the celebrated Dred Scott case, only a few years before the outbreak of the Civil War, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the Negro race who had recently been made freemen were still not only not citizens but were incapable of becoming so by anything short of an amendment to the Constitution.

To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States and also citizenship of a State, the first clause of the first section was framed.

That is the purpose of the amendment.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That is the language of the amendment. I continue to read:

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the Negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

There is the point of departure. I fear that the average man in America thinks of me as a citizen of the United States in the same terms that I am a citizen of the State of North Carolina. That is not true. I am primarily and fundamentally a citizen of the State of North Carolina, and

North Carolina was here before the Union was here. North Carolina was one of the States that formed the Union, and the other 12 States in addition. That citizenship strikes into the State. The State has its rights, privileges, powers, and prerogatives over me to the exclusion of all other States and all other powers in any way whatsoever, and I look to the State in a way that I could not look to the United States. It is not less of loyalty, but it is more of obligation, striking into the very roots of the matter.

I continue to read from the decision. The language is:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Senators, get that right. North Carolina cannot make a law that will abridge the privileges or immunities of a citizen of the United States. I will agree to that. I continue to read:

It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the words "citizen of the State" should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution—

There is the heart of the whole matter—

and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

The fourteenth amendment did not in the remotest degree affect my relationship to the Commonwealth of North Carolina. That is the point. It did not touch that. It was relating to citizens of the United States in this matter of privileges and immunities.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment.

I look to the Commonwealth of North Carolina for the protection of my rights as a citizen of North Carolina. God postpone the day when I shall look beyond the sovereign power of my Commonwealth to protect my rights, my privileges and my immunities. That is my confidence in my State; and whenever I go back on that, then may my hand lose its cunning, and my tongue cleave to the roof of my mouth.

The first occurrence of the words "privileges and immunities" in our constitutional history is to be found in the fourth of the articles of the old Confederation.

It declares "that the better to secure and perpetuate mutual friendships and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively."

In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section 2 of the Fourth Article, in the following words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

There can be but little question that the purpose of both these provisions is the same, and that the privileges and immunities intended are the same in each. In the Article of the Confederation we have some of these specifically mentioned, and enough perhaps to give some general idea of the class of civil rights meant by the phrase.

Fortunately we are not without judicial construction of this clause of the Constitution. The first and the leading case on the subject is that of Corfield against Coryell, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

"The inquiry," he says, "is, what are the privileges and immunities of citizens of the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental—

I hope Senators see the point. This bill is looking to the Federal Government for these privileges and immunities. This court says I look to my State for those privileges and immunities. That is where the bill is fallacious in the first instance—

which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate. They may all, however, be comprehended under the following general heads: Protection by the Government—

I look to the State for protection by government—

with the right to acquire and possess property of every kind—

I look to the State for that right—

and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the Government may prescribe for the general good of the whole.

This definition of the privileges and immunities of citizens of the States is adopted in the main by this Court in the recent case of *Ward against the State of Maryland*, while it declines to undertake an authoritative definition beyond what was necessary to that decision. The description, when taken to include others not named but which are of the same general character, embraces nearly every civil right for the establishment and protection of which organized government is instituted. They are, in the language of Judge Washington, those rights which are fundamental. Throughout his opinion they are spoken of as rights belonging to the individual as a citizen of a State. They are so spoken of in the constitutional provision which he was construing. And they have always been held to be the class of rights which the State governments were created to establish and secure.

In the case of *Paul against Virginia* the Court, in expounding this clause of the Constitution, says that "the privileges and immunities secured to citizens of each State in the several States by the provision in question are those privileges and immunities which are common to the citizens in the latter States under their constitutions and laws by virtue of their being citizens."

The constitutional provision there alluded to did not create those rights, which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

And yet that is exactly what this act tries to do.

Its sole purpose was to declare to the several States, that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of the recent amendments—

That is, the thirteenth, fourteenth, and fifteenth amendments—

no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

Mr. KING. Mr. President, why does not the Senator suspend now? It is almost 5 o'clock.

Mr. BAILEY. I shall be glad to stop if the leader wishes me to stop, but I have an obligation to proceed.

Mr. BARKLEY. I think we should proceed until 5 o'clock.

Mr. BAILEY. I shall be delighted to stop now or go on until 5 o'clock.

Mr. BARKLEY. It is 5 minutes of 5. The Senator may proceed until 5 o'clock.

Mr. BAILEY. Very well; I shall read on for 5 minutes.

Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

Of course the Court, right there under the shadow of the civil law, right there when passions were heated, right there when the Federal Government had assumed—and I shall not complain of it—a certain sense of guardianship for the newly freed slaves, when in a peculiar sense it felt they were its wards—when there was a terrible situation existing, nevertheless in the sacred silent precincts of the Supreme Court of the United States, out of the field of politics, far removed from anything like trying to cater to a class or to get any votes—I am not saying anybody would do that and I would not say it—the Supreme Court very calmly raised the question as if there could be but one answer—

Where it is declared that Congress shall have the power to enforce that article—

And in this very legislation they are depending upon that power to enact appropriate legislation to uphold it—

and where it is intended that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual function, as in its judgment it may think proper on all subjects. And still further, such a construction followed by the reversal of the judgments of the Supreme Court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment.

If the theory of this legislation is true, then we do refer the civil rights of the citizens of the States first to the Congress and then to the courts; and what would become of the sovereignty and the authority of the State, and what would become of my status as a citizen of the Commonwealth of North Carolina? I do not want to lose either, my friends; but, if I must lose one or the other, I will preserve the citizenship of the Commonwealth of North Carolina.

RECESS

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. BAILEY. I do.

Mr. BARKLEY. Is the Senator from North Carolina ready to suspend at this time?

Mr. BAILEY. I am.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Thursday, November 18, 1937, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, NOVEMBER 17, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God be merciful unto us and bless us and cause His face to shine upon us that Thy way may be known upon earth, Thy saving health among all nations. Let the people praise Thee, O God; let all the people praise. O let the nations be glad and sing for joy, for Thou shalt judge the people righteously and govern the nations upon earth. Let the people praise Thee; let all the people praise Thee. Then shall the earth yield her increase; and God, even our own God, shall bless us. God shall bless us, and all the ends of the earth shall fear Him. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed the following resolution:

Senate Resolution 196

NOVEMBER 16, 1937.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT P. HILL, late a Representative from the State of Oklahoma.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative, the Senate do now take a recess until 12 o'clock meridian tomorrow.

EXTENSION OF REMARKS

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NEUTRALITY

Mr. SAUTHOFF. Mr. Speaker, I send a resolution to the desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas the Congress of the United States passed, and the President signed, a so-called Neutrality Act on May 1, 1937, which is now the statutory law of the United States of America; and

Whereas warfare is being conducted at the present time between China and Japan as evidenced by the fact that there is a meeting of representatives of various nations of the world, including our own, now in session at Brussels, Belgium, to devise ways and means to put an end to said conflict; and

Whereas the President of the United States on Armistice Day, 1935, declared:

"We are acting to simplify definitions and facts by calling war 'war' when armed invasion and a resulting killing of human beings takes place"; Therefore be it

Resolved, That it is the express wish of the House of Representatives that the President of the United States shall forthwith proclaim that a state of war exists between China and Japan, and that he shall forthwith invoke the provisions of the so-called Neutrality Act herein referred to.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. SAUTHOFF]?

Mr. McREYNOLDS. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I also ask unanimous consent to extend my own remarks and include an address delivered by Robert H. Jackson, Assistant Attorney General of the United States, before the Trade and Commerce Bar Association and Trade Association Executives in New York City on September 17, 1937, on the subject Should the Antitrust Laws Be Revised?

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MEETING OF COMMITTEE ON RIVERS AND HARBORS

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors may be permitted to sit during the sessions of the House during the life of the extraordinary session of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, that is a long time. Heretofore a few days has been sufficient. I wish the gentleman from Illinois would lessen it, and renew it, if necessary, at times.

Mr. SNELL. Reserving the right to object, Mr. Speaker, I did not understand how long the gentleman asked that permission.

The SPEAKER. The gentleman from Illinois [Mr. PARSONS] asks unanimous consent that the Committee on Rivers and Harbors be permitted to sit during the sessions of the House during the extraordinary session of the Congress now in session.

Mr. RICH. Reserving the right to object, Mr. Speaker, I will say that if we do not do anything more than we have done now since we have met to try to get the President's program through, we will be sitting here until doomsday. [Laughter.]

Mr. PARSONS. Mr. Speaker, if I may change that request, I will ask unanimous consent that the Committee on Rivers and Harbors may be permitted to sit during the sessions of the House for 1 week.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WAGE AND HOUR LEGISLATION

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, we have been called in special session of the Congress to consider a number of bills. Some of those bills are of transcendent importance. Most of them follow the line of legislation and the type of legislation that has been followed by the Roosevelt administration since 1933. Perhaps the most outstanding of those bills is the so-called wage and hour bill. It seems to me there might be, just as soon as we can have it, some discussion and some understanding on the part of the membership of this House and of the people as to what that bill will do. I want to go down the line with it and call attention to some of the things that I can see that bill will do.

Throughout all history it has been the custom of small manufacturers and small businessmen to carry on their employment rolls some of the older people, some of those who perhaps are not as alert mentally as some of the others, and some of those who perhaps are under physical handicaps. Those smaller employers have, of course, been obliged to provide in their employment of those people wage differentials. They have not paid the same wages that were paid to those who were fully alert physically and mentally and able to do the greatest amount of work in a day. As a result, those people have been largely self-supporting. Now, what will happen? If such a bill as this is passed and a wage board is created with authority to establish wages and hours that those people are to receive and to work, a large corporation employing thousands and thousands of people will be able to come to Washington and appear before such a wage board and have an opportunity to be heard. But those larger employers have been obliged, as a result of statutes that have been enacted in most of the States, to discontinue employing the type of people to whom I have referred. Those big corporations will be able to appear before wage boards, but the small business corporations, the small manufacturing corporations and mercantile establishments cannot do this.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. TABER. I cannot at this time. I only have a short time, and I must get into this situation before I finish.

Mr. RAMSPECK. I just wanted to call the gentleman's attention to something in the bill which he may have overlooked.

Mr. TABER. Oh, I may have overlooked a lot. I cannot help it. I will be glad to have the gentleman call attention to that later on. But I am certain that this situation does apply.

The small mercantile establishment cannot be represented. Lots of them, especially the smaller establishments, have been accustomed to hiring people for occasional employment on week ends. The result of this bill will be to throw out of employment all of those people whom I have described. The effect will be to throw them bodily on to the relief roll

forever and to make them a charge upon the earnings of the most fit. Is this the way to do business? Frankly, I do not see it. I do not believe that you can do business this way and not create more distress than you can possibly relieve by such an operation.

There is another feature of this bill to which I wish to call attention. If you establish minimum wages and maximum hours through a board in Washington, it will not be very long before you fix all wages and all hours through a board in Washington; it is a step in that direction which inevitably will have tremendous pressure to be followed. If we get to that point—and I am sure we will—we shall get to the point where private operation of industry and private employment of individuals will stop. What will be the result? It can lead to just one thing, this kind of operation; it means an overlordship, a dictatorship, a totalitarian state, a situation where the wages and hours of everyone and the requirement that they shall work or shall not work will be fixed from the top.

Mr. SIROVICH. Mr. Speaker, will my distinguished friend yield?

Mr. TABER. I cannot yield at the moment, Mr. Speaker.

Mr. Speaker, under this kind of set-up, there can be no such thing as a labor union. This bill leads to the absolute destruction of labor unions, to the absolute destruction of the right of the employee to bargain for his services or to have labor unions or anything of that kind represent him in bargaining for his services. The late Samuel Gompers, who for a generation was the most prominent labor leader in America, always warned labor against such a thing as State or Federal regulation of hours and wages. He warned them that for their preservation, for the preservation of their rights, they must see to it that they had an independent right to bargain for their services, that they had an independent right to see that they were given fair treatment by their employers, and that hours and wages of workmen should not be regulated by law.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. TABER. Not at this time.

Is it not time for those who are considering supporting this kind of legislation to take account of where they are at and where they are leading this country, where they are leading the rank and file of the people of this country?

We have been more or less careless of the things that we have done in the last 4 years. We have created doubt and uncertainty in the minds of the people of the United States. Let me say to you that today the man who works is worse off than he was in 1933, whereas the fellow who never did work but who has always been more or less on relief has prospered greatly. The honest man back home who wanted to work and always did work for a living is worse off as a result of these programs of regimentation, this fixing of things from the top, the N. R. A., the A. A. A., and this proposed wage and hour bill, than he ever was before. No consideration for this man has been manifested. The consideration has been for those who did not work.

Is it not time that we took stock of these situations? Is it not time that we considered where America is going and where these things lead us? I appreciate that there is today a large misconception on the part of many of our people as to what the results of these things will be. There is false propaganda that these things will benefit the workingman. There is false propaganda that these things are in the interests of labor whereas their real effect will be just the opposite. These are some of the things that have created doubt and uncertainty in the minds of the American people and have destroyed the build-up toward prosperity that was coming along last spring. Is it not time that we set our faces in the direction of prosperity, that we work for the workingman, create a market for the farmer as a result of that operation, and create for the businessman who works and does his best to provide employment for the people an honest opportunity to make a reasonable and fair profit?

Now, I ask that this Congress and that this House keep some of these things in mind as they approach this problem of what I regard to be one of the most dangerous measures that has ever been presented to the Congress of the United States. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I am not particularly an advocate of the wage and hour bill. I have always felt that the proper method of settling disputes between employers and employees was around a conference table between the employers and the representatives of the employees. This bill which the gentleman from New York has been discussing, however, is not designed primarily to benefit organized labor; it is designed to benefit labor which has not been able to organize. It is well known that a great many employers in this country, despite the upholding of the Wagner Labor Relations Act by the Supreme Court, have refused to make any effort to make that act effective. They are, as a matter of fact, opposing organization by their employees.

Mr. Speaker, I rose in particular to discuss two things the gentleman from New York said which are not correct and which show a lack of familiarity on his part with the bill which is pending in the Rules Committee.

The bill specifically requires the board to guard against orders which might throw persons out of employment. It gives the board ample authority to meet unusual conditions in any particular case.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I cannot yield now.

Mr. Speaker, the bill provides that the board shall make no order without a hearing and that the hearing must be held as near as possible to the principal place of business of the employer.

It will not be necessary, therefore, for employees to come to Washington, or employers either, in order to present their problems with reference to this bill.

The bill provides a minimum wage above which the board cannot go, which is 40 cents an hour. It also provides a maximum week beyond which the board cannot go; namely, 40 hours. The highest wage that the board may fix under any consideration is \$16 per week.

There are very specific directions to the board as to how it shall arrive at this wage. The board is mandatorily required to consider the cost of living, local economic conditions, any fact which would be relevant in a court in a suit for services rendered without contract, collective-bargaining agreements made in the same community for similar work, and the unit cost of production.

In addition to that, before the board can even have a hearing it must appoint an advisory committee composed of employers, employees, and representatives of the public and that committee must make a report to the board. Then it must hold a public hearing, it must keep a record of the hearings, and reach a decision on the basis of the facts presented. This decision may be reviewed by the courts.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. Is that not substantially the plan under the law in New York, the same State from which the gentleman who just spoke comes?

Mr. RAMSPECK. I understand that is true, although I have never read the New York law. However, that was so stated to the committee in its hearings.

Mr. O'CONNOR of New York. The plan under the New York law provides for an advisory committee, hearings, and so forth, as the gentleman stated.

Mr. RAMSPECK. May I say in conclusion there have been a number of drafts of this bill. There have been more

misrepresentations as to what is contained in the pending bill than any piece of legislation I have had anything to do with in all the years I have been a Member of Congress.

Mr. SNELL. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. SNELL. According to newspaper reports, the bill is going to be recalled and taken back to the committee to be rewritten. If that is so, how does anyone know what will be contained in the bill when it is finally presented on the floor of this House for consideration?

Mr. RAMSPECK. The Committee on Labor held a meeting this morning, and it instructed the chairman to announce to the public that the committee will not recall the bill. [Applause.]

The SPEAKER. The Chair desires to announce that he will recognize Members at this juncture who desire to ask unanimous consent to extend their own remarks in the RECORD.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the undistributed profits tax.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain names of un-American activities in Los Angeles.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DALY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a communication from Secretary of State Hull.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COCHRAN asked and was given permission to extend his own remarks in the RECORD.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address by myself, as well as a copy of a House bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very brief clipping from a Montana newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. The Chair announced he would only recognize Members at this point to extend their own remarks in the RECORD.

Mrs. ROGERS of Massachusetts. Will the Chair recognize me later?

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech I made in Kansas City before the Letter Carriers' National Convention.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I want to make a request for time.

The SPEAKER. The Chair did not understand the gentleman.

Mr. RICH. Mr. Speaker, I desire to submit a request for time whenever the Chair will grant that permission.

EXTENSION OF REMARKS

Mr. STEFAN asked and was given permission to extend his own remarks in the RECORD.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio speech delivered by my colleague the gentleman from Kansas [Mr. LAMBERTSON].

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. Are there any further unanimous-consent requests?

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address of the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address recently delivered.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of business on the Speaker's table and at the conclusion of the legislative program for the day, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GIFFORD] may have 20 minutes in which to address the House.

Mr. RAYBURN. When?

Mr. SNELL. Right now, as soon as it is proper.

The SPEAKER. The Chair is for the present recognizing the gentleman from New York [Mr. FISH] to submit a unanimous-consent request.

Mr. SNELL. Very well; I did not know that.

Mr. FISH. Mr. Speaker, I renew my request for permission to address the House for 20 minutes.

The SPEAKER. The gentleman from New York [Mr. FISH] asks unanimous consent to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I would like to yield, if I may, to the gentleman from Massachusetts [Mr. GIFFORD] to address the House at the present time. The gentleman wants to take precedence over me, for reasons of his own.

The SPEAKER. The Chair is loath to follow that procedure. The gentleman from New York [Mr. FISH] has been recognized for 20 minutes.

Mr. RAYBURN rose.

Mr. FISH. I yield to the gentleman.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that immediately following the gentleman from New York [Mr. FISH], the gentleman from Tennessee [Mr. McREYNOLDS] may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Mr. Speaker, reserving the right to object, I made the statement to the Chair that I wanted to make a request for time, and the Chair stated the Chair would only entertain requests for extension of remarks in the RECORD. I did not want to submit my request until after such requests were granted.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I understood the Speaker would recognize me to make a request for permission to address the House after the other unanimous-consent requests had been concluded.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts as soon as possible, and also the gentleman from Pennsylvania [Mr. RICH].

Is there objection to the request of the gentleman from Texas that the gentleman from Tennessee [Mr. McREYNOLDS] may address the House for 20 minutes at the conclusion of the remarks of the gentleman from New York [Mr. FISH]?

There was no objection.

Mr. FISH. Mr. Speaker, before discussing our foreign relations I would like to make certain observations concerning the President's message to Congress and the business depression with which we are confronted. The President's message reads like an alibi trying to place the blame for this Roosevelt depression upon industry and private business.

The Democratic Party in 1932 came into power because there was a business depression, a depression brought about by overspeculation, due to the fact that for years the American people had been employed at high wages, with which they speculated and gambled in all kinds of securities, including domestic and foreign bonds. During this time Franklin Roosevelt, now President of the United States, was head of a bond company which was selling German bonds to the American people. That depression was brought about by a surplus or overabundance of prosperity and because our people were wasteful and extravagant, because they gambled and speculated, yet not a single Democrat in 1929 cried, "Halt!" On the contrary, Prof. Irving Fisher, of Yale University, the spokesman of the Democratic Party at that time on fiscal and financial matters, stated we had reached a new era of high prices which would continue indefinitely.

At that time we had a Republican President, who made certain sound recommendations to the Democratic Congress, which threw those recommendations out of the window and sabotaged them. The Democratic Congress at that time destroyed every attempt to restore business confidence in this country. Naturally the Democratic Party came into power. It rode into power on the depression. No one blames the American people for changing horses in the midst of bad times. However, you have been in power for 5 years, yet the President states that one-third of our people are ill-nourished, ill-clad, and ill-housed, which in itself is an indictment of the unsound and costly New Deal policies.

Only a year ago President Roosevelt in a message, I believe to Congress, stated in regard to the business recovery that:

It was not the result of pure chance, the mere turn of the wheel in a cycle. We planned it that way. Don't let anybody tell you differently.

Now the President states it is not the Government which is to blame, but business.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. FISH. No; I will not yield, because I have a limited time.

We are now confronted with a depression; we are actually in a serious depression. Twenty-five billions of dollars worth or value of securities on the stock exchange were wiped out in the last 2 months. Another \$25,000,000,000 has been wiped out in the value of unlisted securities, in real estate, mortgages, and so on. This does not mean simply that the rich man has lost half of his fortune or half of his security values or that the middle class have lost half of their security values. It means the beginning of a vicious circle. It means that the rich man will stop his activities, that he will curtail his expenditures, and stop putting money into business ventures. It means that the man of moderate means will cease buying automobiles.

The man who is really hit hardest, the one who suffers most, is the wage earner. He loses his job in the steel mills, which today are operating at only 39 percent of production

capacity. He loses his job or is put on part time or his pay is reduced. The wage earner is the main sufferer. It is not those in the higher brackets of income taxes but the wage earners whose very livelihood and that of their families that are endangered.

This is a Roosevelt depression. The last depression was brought about by overspeculation, but not so this depression. This has been brought about by unsound and uneconomic laws, and by radical and socialistic laws which have been rushed through Congress that have destroyed business confidence.

There is nothing wrong with this country of ours. It is still the best country in the world in which to live. The only single thing that is wrong is that confidence has been deliberately destroyed by the New Deal administration, which has brought on this depression just as chickens come home to roost. [Applause.] The administration is reaping the whirlwind of unsound economics, of unsound laws, of collectivism, and of socialism. I pray to God that we are on the retreat today from Moscow and collectivism. [Applause.] The frightened New Dealers are beginning to realize that confidence and employment by business enterprise is one and inseparable.

We are in the midst of a government of confusion, bewilderment, and reprisal, without any sound or practical policy, with no financial policy whatever except to borrow more money, billions upon billions, and to pile debt upon debt and deficit upon deficit, until we have a national debt of \$37,000,000,000. No wonder there is no confidence in the land. No wonder business has halted and every day production is decreasing in a country that is ready to go over the top and employ labor, which is the single biggest issue in America today. The blame is upon the President and the Democratic Congress for this depression and for the unemployment of American labor. The time has come to call a spade a spade and place the blame squarely on President Roosevelt and the New Dealers for the present Government-made depression.

Great events have transpired since the Congress adjourned last August. The depression has overwhelmed us in 2 months' time. A war of great magnitude is being waged in China. President Roosevelt made a speech in Chicago recently, in which he stated he believed in concerted action, that he proposed to quarantine certain nations, and that the American people were on the brink of war and could not keep out. I denounce that statement as sheer hysteria, unnecessarily alarming the American people, as he stated, our people at the firesides are in fear and dread of war. There should be no fear of war in America, unless war is forced on us by the President and the internationalists with whom he is surrounded. The American people are not for concerted action, for sanctions, or for war commitments of any kind. It is well to remember that ancient slogan emanating from London, that the "British Empire expects every American to do her duty." Our slogan should be: Millions for defense but not one single dollar to join in European or Asiatic wars.

If the old nations of the world insist on arming to the teeth and going to war, it is their war and not ours; and, speaking as a member of the Foreign Affairs Committee, I do not believe there is a single member of that committee, Democrat or Republican, who would vote one single dollar to send an American soldier to foreign lands to fight other people's battles. [Applause.] The American people have already decided they do not propose to join the League of Nations, yet we have as President a man who ran for Vice President in 1920 on a League of Nations platform. We have as Secretary of State a most estimable gentleman who was for the League of Nations for many, many years. We have representing us at Brussels Mr. Norman Davis, our wandering ambassador at large, who has been for the League of Nations from the very beginning. This triumvirate in control of our foreign relations are inoculated with the virus of internationalism. These gentlemen do not represent the will of the American people, who do not propose to become

involved in any foreign intrigues or entanglements, ancient blood feuds, or boundary disputes.

Now, let us analyze, or, as Al Smith says, let us look at the record with respect to the action of Congress in regard to the neutrality bill and the war that is being waged in China today. First, this is an Asiatic problem, affecting China, Japan, Soviet Russia, and, to a large extent, Great Britain, which has a billion dollars invested in China. We only do \$50,000,000 worth of business with China and only \$200,000,000 worth of business with Japan, but even if the figures were reversed it would make no difference so far as the fundamental policy of the United States is concerned.

Mr. Speaker, in the last Congress we adopted a neutrality bill. There were 3 or 4 days of debate on the floor of this House following consideration in the Foreign Affairs Committee, and when the matter finally came to a vote in the House of Representatives only 12 Members voted against it. I voted for the bill, not because I thought it was such a good bill, as I often stated upon the floor of the House, but because it was the best bill before us and because the purpose was a proper one—to preserve peace, to keep the United States out of war, to take the profits out of war, and to stop the sale of arms, ammunition, and munitions of war to belligerent nations.

The measure stated specifically that when a state of war existed, the President "shall"—not may, but shall—declare the neutrality bill to be in effect. There can be no quibbling about this. We did not use the words "declaration of war," because nations no longer declare war. They recognize the fact that the Kellogg-Briand Pact outlaws war except in defense and therefore they go to war without any declaration of war. We knew this when we wrote the bill. We had before us the experience in Ethiopia, where that country was swallowed up without any declaration of war. Therefore we put in the specific phrase—

Whenever the President shall find that there exists a state of war between or among two or more foreign states, the President shall proclaim such fact and it shall be unlawful to export or attempt to export or cause to be exported arms, ammunitions, or implements of war from any place in the United States, etc.

If the President does not know a state of war exists in China today, or if the Secretary of State does not know this, then the administration had better get a new Secretary of State, because there is no one in this country who does not know that a state of war exists in China at the present time. It is the greatest war that has existed in our day or generation except the World War. Almost 1,000,000 soldiers in the Chinese Army have been killed and wounded in less than 6 months.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. I yield for a brief question.

Mr. SIROVICH. What would the gentleman do if he were Secretary of State at the present time?

Mr. FISH. I will tell the gentleman what I would do—I would carry out the law of the land. [Applause.]

Mr. SIROVICH. What would the gentleman do?

Mr. FISH. I would put into effect the neutrality law as written by Congress, but it is not the Secretary of State, it is the President who is responsible for the nullification of the law. If the gentleman wants me to, I will answer him more in detail.

Mr. SIROVICH. Yes.

Mr. FISH. We passed the neutrality law and no matter whether it is good, bad, or indifferent it is the law of the country. The President signed it and it is his duty, knowing that a state of war exists in China today to put that law into effect and carry it out.

We live in a government of propaganda and the State Department and the President and all their propagandists have tried to reach the people back home and make out that this bill favors Japan. It does not, and I will explain in just a moment why it does not.

I believe 90 or 99 percent of the American people are in sympathy with China and against the invasion by Japan and the murdering of innocent women and children by airplane

bombs. We do not mind making our views known and, probably, the Government was correct in criticizing Japan the other day through the Brussels Conference.

That does not change the situation. We wrote that neutrality bill for this very kind of a war, so that we will not be dragged into it, so that we will not ship arms and munitions of war to belligerent nations. With the law not being invoked, Japan has the advantage. Japan can buy anything she wants from America—arms, ammunition, and implements of war and China cannot, because Japan controls the seas. Yet this administration, through its propaganda, has given out that if it puts the law into effect, it would be in favor of Japan as against China. That is contrary to the fact, but it does not change the issue that I am discussing here as a Representative in Congress, without regard to partisanship whatever.

There is a fundamental principle at stake which is that we wrote a neutrality law in the Congress, and it was signed by the President and is the law of the land, and that it said exactly what we meant. The administration recognized that a war exists in China in the wording of the declaration signed by our Government at Brussels yesterday. That declaration said:

The war had brought to all peoples of all nations a sense of horror and indignation, to all the world a feeling of uncertainty and apprehension.

In spite of this declaration the President has not enforced the neutrality law or carried out its provisions, and I say to my good friend from New York, Mr. SIROVICH, knowing his political views, that this is a step toward fascism; that it is fascism. If the President of the United States can pick out any law he wants to and enforce it or not enforce it, when he has a specific, constitutional duty to carry out and execute this law like any other law, then we are in the midst of fascism. In which case the Congress of the United States means nothing at all and this legislative body may as well throw up its hands, because if the President can do this in this instance, he can do it as well with domestic or internal laws. And that is precisely the way that fascism began. The first step of fascism is to wipe out the parliamentary system, to wipe out the legislative government. The way to do that is to ignore and repudiate the laws of Congress, and I submit that that is exactly what the President has done in nullifying the will of Congress and the American people in enacting the neutrality bill.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. FISH. Not now. Oh, the President can use a technicality and say that a declaration of war has not been made, and that China has not withdrawn her Ambassador. That has nothing to do with the situation, not with the law that we wrote, because we wrote it to anticipate that very issue. I can quote many statements of the President, for instance, in which he defines war and his recent definition 2 years ago in respect to the Abyssinian war, a much smaller conflict than the war in China today. Let me quote to you first a Supreme Court decision defining war:

Every contention by force between two nations in external matters under the authority of their respective governments is not only war but public war.

President Roosevelt in his Armistice Day speech in 1935 had this to say about the Ethiopian conflict:

We are acting to simplify definitions and facts by calling war "war" when armed invasion and a resulting killing of human beings takes place.

That is a statement with which I do not believe a thinking man or woman in America, regardless of politics or political affiliations, will disagree. Further, the President on October 5, 1935, in applying the neutrality law to the Italian-Ethiopian conflict in which there had been no declaration of war, stated:

We are now compelled to recognize the simple and indisputable fact that Ethiopian and Italian forces are engaged in combat, thus creating a state of war within the intent and meaning of the joint resolution.

I do not believe there is a man or woman in America who does not know that war has existed for weeks and months in

China. If that is the case, there is only one thing for the President to do, and that is to carry out the mandate of Congress, the mandate of the American people through their representatives, enacted with only 12 votes against it in the House, and I submit that if he is not doing that he is not performing his constitutional duty to the Congress and to the American people. [Applause.]

The SPEAKER. Under the previous order of the House, the gentleman from Tennessee [Mr. McREYNOLDS] is recognized for 20 minutes.

Mr. McREYNOLDS. Mr. Speaker, I have listened very attentively to the remarks of the gentleman from New York [Mr. FISH], in which the gentleman claims that the President has not carried out the law that we placed on the statute books at the last session of the Congress with reference to neutrality.

I want to make this statement:

First, the President has acted within his legal authority, and I will be able to demonstrate it.

Second, the purpose of the neutrality bill was to keep us out of war and to prevent wars as much as possible, and the policy the State Department has pursued has been the wisest policy that could have been pursued.

Now, what is the statute? The gentleman from New York [Mr. FISH] does not quote it correctly. I have written it down so that I could quote it. It is admitted that the so-called Neutrality Act of May 1, 1937, is fundamentally and essentially intended to keep this country out of war. That is the spirit of the act, which leaves wide discretion to the President. He is not required to issue an arms embargo or proclamation under section 1 until he makes a finding that a state of war exists. He is not compelled to make such finding on the basis of any specific facts or circumstances, or such as you may judge from the press reports. The language of the act is this:

Whenever the President shall find there exists a state of war between or among two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition—

And so forth. This language differs from that contained in the act of August 31, 1935, which provides that upon the outbreak or during the progress of war between or among two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, and so forth.

It was under this act that the President acted relative to the Ethiopian and Italian conflict to which the gentleman from New York referred.

So my insistence is that under the present act the President has the discretion to find the facts, and declare the same whenever the situation warrants such action. This is not a new theory. When this bill was under consideration in the Senate, Senator NYE, who opposed this character of bill and who was for a mandatory bill, made this statement, and you can find it in the RECORD. Senator NYE said in part:

I know that there are those who insist that our policy in its present form is entirely discretionary; that no neutrality can be invoked without the pleasure of the President himself. That is true, yet it is altogether necessary that the determination as to when a state of war exists be left to somebody. I do not know where else it can be left than with the President of the United States. That discretion is now with him. There can be no exercise of a policy of neutrality without his finding a state of war to exist, and so I do not know how we can escape from that degree of discretion. I am sure that it cannot be escaped.

So the view that I am presenting to you today was argued on the floor of the Senate at the time, and in view of the wording of this statute I say that the President has exercised the right that he has under the present statute.

Some of you would declare that a state of war exists, when no nation on earth, none of the 65 nations of the world have proclaimed that a state of war exists in China and Japan. China and Japan still have their ambassadors in each country. They have their ministers; they have their consuls general as their own representatives. So why should we, with our interests in the far eastern country, be forced

to say that a state of war exists in that country, and thereby destroy a great many of our rights?

You must remember that many people, in writing a neutrality bill, were only looking to Europe at that time. They forgot that we have special interests in China—extraterritorial rights, where our people are there, and where we have sent our marines to protect our interests.

Mr. WHITE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield briefly.

Mr. WHITE of Ohio. The distinguished chairman of the Committee on Foreign Affairs is known for his common sense. According to your innate common sense, do you think that the mass murders now occurring in the far eastern crisis constitute a state of war or simply a game of ping-pong?

Mr. McREYNOLDS. That is not a question for me to answer nor for you to answer. It is a question that the President has, as director of the foreign policies of the country, as given to us under the Constitution and by Supreme Court decisions.

Permit me to quote an extract from the Supreme Court of the United States, delivered on December 21, 1936, in the case of The United States of America, appellant, against Curtiss-Wright Export Corporation, Curtiss Aeroplane & Motor Co., Inc., and Barr Shipping Corporation et al. I quote:

The President is the constitutional representative of the United States with regard to foreign nations. It is important to bear in mind that we are here dealing, not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. * * *

The President has a perfect right to declare it or not just as he may see fit. Again, we must remember the extraterritorial rights we have in China today. Should the President issue a proclamation that a state of war existed in China, what would be the result? It would perhaps give Japan the right to embargo the whole coast, to order our vessels out of that country; our vessels would be subject to search and seizure; and our nationals would be left there subject to the danger of mob violence. So, Mr. Speaker, I insist that the State Department has followed a wise policy, and that the President has followed a wise policy in not finding that a state of war existed in that country.

Mr. KNUTSON and Mr. SIROVICH rose.

Mr. McREYNOLDS. I am sorry, but I cannot yield.

Mr. Speaker, it would be one thing for the President, in determining whether he should invoke the act, to accept some narrow legalistic view that might be urged upon him based on the circumstance that there are hostilities in progress in China; but it is quite another thing for him, in the light of his general duties and responsibilities in the domain of foreign affairs and in the conceived interests of this country and its nationals, and bearing in mind the obvious purpose of the act, to proceed with caution in order to avoid this country's being involved in the war and to prevent the complications that an application of the act would inevitably create.

When he thus fairly surveys the situation and discovers that there has been no declaration of war by either of the parties to the conflict—neither Japan nor China being willing to admit that a state of war really exists, and continuing to maintain diplomatic and consular relationships with each other; when he further discovers that no country has seen fit to treat the conflict as a state of war; and when he further discovers that there are conditions very clearly indicating sound reasons for not intervening, the President believes that

the course he has taken will meet the approval of the Congress and the American public.

The distinguished gentleman from New York a while ago said that this was an act of fascism. Let me tell you, my friends, that with countries in Europe and in the Far East spreading the dangerous doctrines of dictatorship throughout the world, if this country does not use every peaceful means to protect its political, social, and economic views, the time will come when we shall have to do it by war. These countries are gradually getting hold of and taking charge of matters, and they are spreading their doctrines, which, if continued, will break down the democracies of the world. They intend to do it first in Europe. Then the United States will stand alone. So, Mr. Speaker, I say that while I am against war, yet I want to see every peaceful means used for our protection and demand that the treaties of nations be kept; yet I ask: Are we going to run at the first blast of the gun? The most common cur will chase you if you flee. We know the American people are not afraid. If we pull our nationals out of China, as the gentleman would have us do, and declare that a state of war exists when other countries are not doing it, our Nation and our nationals will not be respected abroad; and we all know it. If, however, we stand up like men and demand our rights, these bully nations will cease their operations; and everybody knows it. Talk about fascism! If we isolate this country, we will encourage fascism, and when the democracies of Europe are broken down the United States will be left standing alone, and our children or children's children will see a war; and perhaps your sons will not be able to stand in a legislative body like this to protect the independence this country now enjoys.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield for one question?

Mr. McREYNOLDS. I yield to my friend from Minnesota to see what he wants to ask.

Mr. KNUTSON. Is it the gentleman's thought that if Japan triumphs in China that our children or children's children will be safer than if we step in and help a democracy by putting the embargo under the neutrality law into effect?

Mr. McREYNOLDS. I think it will aid Japan and aid the Fascist countries of Europe more by putting this law into effect now than by not putting it into effect. If the President had issued a proclamation stating that a state of war existed between China and Japan, would we have been in the position to accept the invitation to attend the conference now in session in Brussels which has for its purpose to hold Japan to her pledge in the nine power treaty which she signed in 1922 with eight other countries to preserve the territorial integrity of China? While on this subject let me refer briefly to certain newspaper statements that have been coming from Brussels relative to the present meeting of the foreign powers constituting the nine nations that signed what is known as the nine power treaty in September 1922.

All character of false reports have been carried in the press relative to the suggestions made by the American delegates, such as a suggestion that the nations furnish arms and ammunition to the Chinese, and other matters of this character. This is a misstatement of the facts and the delegates have no such authority. The authority can best be stated by the following statement which was issued by the President on October 19, 1937, when Mr. Davis and others were appointed. I quote from the President's statement:

Mr. Davis is going to Brussels to represent this country at a meeting of the signatories of the nine power Washington treaty, in response to an invitation issued by the Belgian Government. The purpose of the conference is in conformity with the original pledge made by the parties to the nine power treaty in 1922 to have full and frank exchange of views with regard to the Far Eastern situation.

In the language of the invitation to which this Government is responding, the powers will examine the situation in the Far East and study a peaceable means of hastening an end of the regrettable conflict which prevails there.

As I said in my radio broadcast on the evening of October 12, "The purpose of this conference will be to seek by agreement a solution of the present situation in China. In our efforts to find

that solution, it is our purpose to cooperate with the other signatories to this treaty, including China and Japan."

Mr. Davis, of course, will enter the conference without any commitments on the part of this Government to other governments.

Reference was made by the distinguished gentleman from New York, who has just preceded me, in rather a critical way of Secretary Hull and the Honorable Norman Davis. These gentlemen are so well known that they need no defense. But I do want to say that I have known them in office and out of office for many years, both of them coming from adjoining congressional districts to mine, and I am proud to call them my friends, and let me further add that so long as they are connected with the State Department, the President will be safe in following the advice of these two great Tennesseans.

Mr. Speaker, we ought to stand up like a nation and tell these countries that they must comply with their treaties, and we must use every peaceful means to see that they do it.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield further?

Mr. McREYNOLDS. I cannot yield further.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. SIROVICH. I have listened to the very interesting exposition of the distinguished chairman of the Foreign Affairs Committee. Is it the gentleman's intention to call a meeting of the Foreign Affairs Committee in the near future for the purpose of amending the present Neutrality Act to provide for the purpose of preserving democracy that where a foreign nation invades the territory of a democracy without a declaration of war that such act should be declared an act of war?

Mr. McREYNOLDS. I have no such intention.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. My time is nearly up; I am sorry, but I cannot yield.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 5 minutes.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Does not the gentleman believe the Foreign Affairs Committee of the House should bring in a resolution to repeal the existing neutrality law so that the President may be spared the just charge that he is guilty of non-feasance?

Mr. McREYNOLDS. I do not; because I think the criticism against the President is unjust and I have tried to demonstrate that fact.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. I understand from the gentleman's very fine talk that he is opposed to doing anything to aid Japan at the present time. Does the gentleman know the Maritime Commission, during the past few months, has sold ships to a shipping concern in Japan, one of those ships being the *Westward Ho*? I believe seven or eight ships in all have been sold by the Maritime Commission to this shipping concern in Japan, these ships to be scrapped over there and the scrap used in providing armament against China.

Mr. McREYNOLDS. We have been selling scrap iron to Japan for some time. There is a bill pending in the committee now to prevent that except by license and I am for the bill. I hope it will be reported by the committee and passed by the House. Let me follow this up.

Mr. WHITE of Ohio. Will the gentleman yield?

Mr. McREYNOLDS. I have not time to yield to pings any more.

Mr. Speaker, we speak about aiding Japan and aiding China. The gentleman who just preceded me said that the

present situation is a greater aid to Japan than it is to China. However, if the neutrality law had been invoked, and I mean the full effect of it, Japan could have come over here and purchased materials of war and China could not, because she would not have the transportation. Let me give the facts and furnish the information. Of course, it is easy to get up here on the floor and make a general statement. It is easy to get up here as a Republican and make various statements. It is easy to charge the Democrats with bad faith when there is no semblance of truth in the charge; however, you do not give it much credence, considering its source.

Let us see how much has been shipped to China and Japan. From July to November, inclusive, licenses have been issued for the shipment of arms, and so forth, to China in the amount of \$5,139,312.75. Let us see how much went to Japan, \$1,502,957.89. Does that seem to be favoring Japan under existing conditions?

In addition to licenses authorizing the exportation of implements of war to China, applications are pending in the amount of \$1,701,180, which licenses will probably be issued within a day or two. That was in November.

Who is it helping? I am not saying that we should help China, but I want to stick a dagger in these countries that are trying to create dictatorships and trying to ruin the world.

Now, Mr. Speaker, that is the situation. Are we helping China or Japan? Where would the President be in the Brussels Conference, wherein we are trying to make these nine nations that signed the treaty on February 6, 1922, in the city of Washington, maintain the integrity of China, had he declared that a war exists in that part of the world? We are there with the other nations of the world and using nothing but peaceful means to show that Japan was one of the signatories to this treaty and that it is violating the treaty just the same as some of the Fascist governments in Europe are doing all the time.

Mr. Speaker, let this Japanese situation and the Nazi and Fascist doctrines spread throughout the world until it breaks down the democracies of Europe, and the time will come when we will have to defend the democracy of the United States with our lives and with our children's lives. It is best to use every peaceful means in cooperation with the democracies of the world to see that peace is restored and that these armed conflicts stop and that these dictators stop their nefarious practices.

Mr. LUCAS. Will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Illinois.

Mr. LUCAS. The gentleman gave to the House very interesting figures with reference to what has been shipped to China and Japan. Do I understand it is the gentleman's position that had the neutrality been in effect, as the distinguished gentleman from New York would like to see it, those shipments would probably have gone to Japan and none would have gone to China under the present neutrality law?

Mr. McREYNOLDS. No. They would not have gone to either place. The commodities of war would have gone to Japan.

Mr. LUCAS. But Japan could have come to this country and made purchases but China could not?

Mr. McREYNOLDS. That is right, because she had the transportation.

Let me say that there has not been an excessive amount of war materials shipped. One million dollars or two million dollars is a very small amount as compared to the whole. I noticed a statement which stated that China had spent some \$250,000,000 and Japan \$600,000,000. These shipments are a very small amount compared to what has been spent over there.

Mr. SIROVICH. Is that for ammunition only?

Mr. McREYNOLDS. Now, these people have paid cash.

Mr. Speaker, the President is trying to preserve peace. As the head of this Nation he knows more about these conditions than you or I because he has his foreign emissaries

and secret information that we do not possess. He has restricted American-controlled vessels from carrying anything to the country where this armed conflict is going on.

Therefore I say, Mr. Speaker, that the President and this administration should be thanked for the position they have taken. I know they want peace. I know they are trying to protect this country from war and to prevent war. I believe that instead of being condemned they should have the thanks of the American people. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GIFFORD] may address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EATON. Mr. Speaker, I ask unanimous consent that on tomorrow I may address the House for 10 minutes.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that on tomorrow, at the conclusion of the address of the gentleman from Massachusetts and the disposition of the legislative program, if any, he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that I may address the House for 5 minutes following the remarks of the gentleman from Massachusetts [Mr. GIFFORD].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I should like to have it understood that I was requested to speak on yesterday. These remarks are not premeditated. Someone suggested to me that if anyone were entitled to state on the floor of the House, "I told you so", I could properly claim that privilege.

I want to review with you a little of last season's criticism. Early in the session I spoke on the matter of a \$7,000,000,000 government, permanently established. This prediction was not overdrawn; it was underdrawn. You cannot now hold the cost even to that amount.

I complained of the Treasury's method of bookkeeping and commented somewhat forcefully about the misleading method of claims made to the public concerning the recoverables. You must have lately read speeches of others completely exonerating me of overcoloring this picture.

Early in May I spoke on the subject of the political stock market. Heaven knows I did not overdraw that picture.

The topic of my address today, if you should desire a title, is what must necessarily go down in history as "The Roosevelt Panic of 1937." This expression is not original with me. I have borrowed it from eminent authority. Indeed, most of the thoughts I want to present to you today are not claimed as my own but taken from those who know.

I wish I could recall for the moment exactly whether or not I voted for the Securities and Exchange Act. I voted, with my fingers crossed, for so many things which may have been fundamentally right that I cannot remember. I am sure that I wanted to accomplish "truth in securities." I was willing to punish those who did not tell the truth about the securities they were offering to the public. However, in voting for that bill we voted for that dangerous experiment, another bureau, which was to frame rules and regulations having the full force of law.

I voted for something intended to protect the investors of the country, and if I voted for the bill, as I assume I did, I voted for something which is largely responsible for a cost to the investors of this country of an amount estimated at some \$27,000,000,000.

The effect of the crash in the stock market upon all business has been incalculable, owing largely, if not wholly, to the very machinery we set in motion after being told that if we would give the administration these vast powers it could

by them prevent such debacle. President Gay gave ample warnings. Wall Street was right. We were wrong. We have assumed to know more than the people who run the business of the country. We politicians are seemingly not competent even to legislate wisely after public hearings, such as have lately prevailed, when business does not testify fully under fear of reprisals.

Prejudice rather than reason has prevailed in the acts of this administration. You came into power through prejudice against a former administration. We may imitate you, rather than frame any particular principles, because we may have learned a lesson from what you did and reasonably expect to be swept into office in 1940 for the same reason. Certainly the people ought to be prejudiced against you by that time.

Mr. SIROVICH. Mr. Speaker, will my distinguished friend, the gentleman from Massachusetts, yield for a question?

Mr. GIFFORD. If I want more time, will the gentleman get it for me?

Mr. SIROVICH. I will try to get it for the gentleman, if I can.

Mr. GIFFORD. I will yield to the gentleman from New York.

Mr. SIROVICH. The gentleman has referred to President Roosevelt's present administration as "the Roosevelt panic."

Mr. GIFFORD. I have. It is correct.

Mr. SIROVICH. I remember very distinctly when from 1929 to 1933 President Hoover's administration brought about a collapse in the market, causing a shrinkage in the value of public-utilities stocks, bonds, and debentures alone from \$19,500,000,000 to about \$2,000,000,000, and this collapse continued until the present Democratic administration came into power.

Mr. GIFFORD. What is the gentleman's question?

Mr. SIROVICH. Is it the intention of the gentleman to show us the contrast between these two collapses?

Mr. GIFFORD. Yes.

Mr. SIROVICH. Very well; show it.

Mr. GIFFORD. If the gentleman does not believe me, I ask him to read the editorial in the last issue of the Saturday Evening Post. If he does so, even the gentleman will be convinced.

Mr. SIROVICH. By my question I am giving the gentleman an opportunity to convince me.

Mr. GIFFORD. I have indicated to the gentleman where he can go for absolute authority.

It is incontrovertible that we had an explosion in 1929; but we have had a landslide in the last 2 or 3 months. You have had available all the machinery by which you claimed you could stop such a landslide. You told us you could do it if we would give you those extraordinary powers. In 1929 the conditions were not at all similar to the present situation. During this landslide we had plenty of easy money. We so much wanted quality in securities that we forgot the absolute necessity of quantity of sales in order to prevent what is known as "a thin market." We forced the speculators out of the market. I wish heartily that there were a few real-estate speculators hanging around my vicinity to hold up that particular market. You froze out the speculators with a 55-percent margin requirement. Then you did not administer the cure until after the patient was dead. You now allow a 40-percent margin after it is all too late. Medicine is supposed to be administered at the time it is needed, not afterward. There can be no denial of this indictment. Refutation is impossible. Even alibis must necessarily be weak ones. Recital of other panics will not be persuasive. You have often claimed the Securities and Exchange Act to be the greatest of all your reforms. Time and time again you have reiterated that.

We have stated on this floor many times, even during the first 2 years after the Securities and Exchange Commission was set up, that you had so frightened business that it did not dare register new securities. Your Mr. Landis had to acknowledge to me in writing what a paucity had been registered representing new business. Registration was almost

wholly to retire indebtedness in order to take advantage of easier rates of interest. You almost killed new business for 2 years, and then, when it finally got going, you certainly completed the job. You thought that was your monument. Your ears must burn. However, it is a new era. "Formerly she blushed when she was ashamed; now she is ashamed if she blushes."

I think that your monument is a \$42,000,000,000 debt. I have predicted here for 3 years a debt of \$40,000,000,000, but the debt is now \$42,000,000,000.

Read the speech of the Senator from Virginia [Mr. BYRD], made not on the Senate floor, for then I could not refer to it, but lately delivered before the Academy of Political Science. I had made so many speeches on that topic previously that great was my delight to have someone in whom you must believe state the same thing. You have more than \$37,000,000,000 of direct debt and over \$5,000,000,000 of contingent debt, with recoverables of how much? The President told us last year that it was \$6,000,000,000. No; it is only \$4,000,000,000, not counting the inactive gold.

This is a horrid picture. You once called me the Jeremiah of New England. My prophecies were sufficiently pessimistic but fell short of the actualities.

What have you accomplished, even at this awful sacrifice of our wealth and credit? Yes; even the credit of my grandchildren, which you have no right whatever to use for the payment of your follies of experimentation. Yet you have gone merrily on, although there now appears to be a retracing of steps.

In the brief time I have left I want to know whether we can believe this President of ours. I think business is going to be somewhat in this position:

Customer: "Send me up 2 dozen eggs. If they are good, I will send you my check."

Grocer: "No; you send your check, and if your check is good I will send the eggs." [Laughter.]

I think, after all we have suffered and after all the protestations that have been made, the businessmen of the country will hesitate to accept overtures from their declared enemies.

I have something here that I read this morning which I will share with you, because I want to take the effect of the dagger from these remarks if I can, although I am very sincere in bringing these indictments. I reiterate, "I told you so," and it is quite impossible for you to refute these statements. Did you read Mr. Phillips' poem this morning in the Washington Post? He expressed what the country has been taught to believe about the businessman. Listen to this, because it will be more effective than any words of mine:

Never mind the vile employer—
Never give the guy a break;
Pick away until he's groggy,
For your dear, old country's sake.

Other folks may have some virtues,
But the businessman has none;
Flay him as a sort of cockroach—
It is lots of good, clean fun!

It is stylish to abuse him,
And to keep your punches low;
If he dares to make an answer
Point and sneer, "I told you so."

He alone can give employment,
And speed up prosperity,
But the fashion is to bar him
From the slightest sympathy.

Oh, the rattlesnake has good points,
And the white shark isn't bad.
Even polecats have their virtues,
As have buzzards, too, my lad.

But employers? Why, they've nothing;
They're the lowest of the low.
As must be apparent, dearies,
If you own a radio!

So an appeal is now being made to the businessman. Did you read a book recently, called "Our Loony Liberals"? I want to give you these figures and call your attention to this book from which they were taken—of course you may wish to disagree with the author's conclusions.

If there are 125,000,000 people in the country, there are 15,000,000 criminals, invalids, or helpless persons and 10,000,000 people are needed to take care of them, and this wipes out 25,000,000 from being of any particular value to the national economy. Add to this the tremendous cost of erecting institutions to care for them. Then the statement is made that, of the 100,000,000 people left, 95,000,000 are dependent upon the remaining 5,000,000 who alone have the initiative, the brains, the courage, and the capital to provide the means for us to earn our living.

I was amazed at these figures, but having considered the matter, I found many very fine citizens who, if out of a job tomorrow, would be wholly dependent upon these vile, economic royalists, to whom we now look for succor, but who have been made suckers by the acts of their own Government in Washington.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. TAYLOR of Tennessee. Apropos of what the gentleman brought out a moment ago; a few days ago, for the third or fourth time I read the story of Napoleon, by Thomas Watson, of Georgia. He points out in this book that during the time when Napoleon Bonaparte was Emperor of France he never issued any bonds or contracted any indebtedness, because he believed that every generation should be self-supporting and that one generation had no right to penalize posterity by passing on national debts.

Mr. GIFFORD. That is what I have also maintained to be right in these remarks. The gentleman also knows that nearly everything that this administration has tried has been done in a haphazard manner. They first claimed to have secured the brains of the colleges and were unwilling to rely on the brains and experience of practical men. They were bound to go hunting, and were like two men who did go hunting. After one had fired a shot, he called, "Are you all right, Jim?" And Jim replied, "Yes." "Well, then, I have shot a bear." [Laughter.]

It has been an era of vast experimentation. Some of us appreciate what Walter Lippmann recently stated:

Business cannot proceed because it is terrorized by the New Dealers. The New Dealers cannot proceed because, being only half-hearted collectivists, they do not dare to follow out the logic of their own ideas.

Mr. HOOK. Mr. Speaker, will the gentleman yield to me there?

Mr. GIFFORD. Yes.

Mr. HOOK. Is not the gentleman just in reverse, and is it not the gentleman and his crew that are scaring business?

Mr. GIFFORD. I should say not. The gentleman is just as blind as the others. [Laughter.] You cannot see, even after you have spent \$42,000,000,000 and jeopardized the Nation's credit. Your President has done much for many people, but he has so whetted their appetite that if he does not keep up his largesses they will devour him.

Mr. HOOK. Would not the gentleman be bitterly disappointed if there was not a panic?

Mr. GIFFORD. Oh, no. I am just as patriotic and just as sincere as the gentleman from Michigan, but the gentleman knows that I am much happier than he, who must share the responsibility and the condemnations. I at least have tried to prevent this profligate spending. Even Mr. Hoover cannot now be held responsible. I have drawn the picture many times here how up to November 1932 there was not this jittery condition of business. After the catastrophe of 1929 we recovered. The business index was quite high in 1932. The trouble came after the November election. It was during those 4 months when nobody knew what might happen under Democratic leadership. Picture it as you may, history will record the truth, will also record this recent collapse as "the Roosevelt panic of 1937." We gave him complete powers over credit and finances on the promise that it would not happen again. He must assume the responsibility—alibi it as you may. [Applause.]

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Mr. HOOK. We hope the gentleman will be disappointed and we know that he will be.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

LEAVE TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes at the conclusion of the remarks of the gentlewoman from Massachusetts [Mrs. ROGERS].

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address delivered by myself.

The SPEAKER. Is there objection?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

CONDITIONS IN THE BOOT AND SHOE INDUSTRY

The SPEAKER. The Chair recognizes the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, we have heard a good deal about neutrality this afternoon. I shall enlarge upon that later.

There are none so blind as those who will not see or those who do not care to see. This so-called Neutrality Act was an administration measure. The administration should have known that it was likely to get us into trouble if enacted into law. It is like an ostrich with its head beneath the sands. They did not want to see what is happening. Today nobody is fooled, not even a pacifist. Every Member of Congress wants peace. In dollars and cents, in a purely mercenary way, it is far less costly to stay out of war than it is to send our men to fight other people's battles in foreign lands. I opposed this Neutrality Act, Mr. Speaker, because I felt the condition in China would arise that has arisen. I believed that Japan would attack China, and I so stated in committee. It is very humiliating that we have upon our statute books a law that is treated as a mere scrap of paper. If you will cast your mind back over the conditions from 1914 to 1917, you will see a great similarity with what is happening today. You will see a great similarity with what this administration is doing to what the administration did in 1914 to 1917. Today we have with our reciprocal-trade agreements an industrial league of nations. The administration is apparently moving this country toward a league of nations in other ways.

There are none so blind as those who will not see. I accuse the administration of deliberately vilifying and harming business, business which creates work for the wage earners, with the result now that business cannot proceed. In my district those wage earners realize what is happening. They know that capital and labor go hand in hand and that if you destroy capital you can have no labor. It is a very bitter thing for the workers in my district. The administration should know you cannot create in the minds of the people the specter of business as a horrible ogre without tearing down confidence. And now the administration appeals to business to help by creating employment to save the administration from the continuance of the present depression. No other administration has ever so bitterly and persistently attacked business. Never in the history of this country has any administration so abused and trampled upon business.

Mr. Speaker, today I am introducing in the House a resolution asking that the negotiations regarding the reciprocal-trade agreement with Czechoslovakia be delayed, in fact, that those negotiations be stopped. In my district I believe

I have more commodities that will be affected by that treaty than have the Members from any other section of the country, but do you realize—and I am addressing myself now to the majority Members—that if boots and shoes are allowed to come in from Czechoslovakia that the leather industry will be vitally hurt, and the workers in my leather industry are in desperate straits? Do you gentlemen from Texas realize that the hides of your cattle will be affected disastrously? Do you realize, Members from the Southern States, that you are likely to lose your cotton market in the United States, and of what avail to you will be a small market in Czechoslovakia, if you lose a large market in our own country? You Members who have machinery plants in your districts, do you know what will happen if our mills close? If this trade agreement goes through, the same advantages given to Czechoslovakia will be given also to Japan and to every nation in the world but Germany and Australia. Every man, woman, and child in the United States knows that if they go into the shops to buy boots from Czechoslovakia they affect the boots that are made in my district, that are made in other districts in the United States; that if they buy gloves made in Czechoslovakia the gentlemen from New York State are affected in their districts; and if they buy boots and shoes made in Czechoslovakia, you gentlemen from the Middle West must know what it will do to your shoe industry, and you in the West what it will do to your tanneries. I see one gentleman on the Democratic side who is going to speak on that subject later. You know if they go into a shop and buy hats made in Czechoslovakia or in Italy it will affect the hat industry all over our country.

I earnestly implore that the Members of the House will join with me in procuring the passage of the resolution which I shall introduce. There are none so blind as those who will not see. They should have seen that with these treaties we are bound to get more imports than exports. You have only to look at the export and import figures to see what is happening. [Applause.]

The SPEAKER. The time of the gentlewoman from Massachusetts has expired. The Chair recognizes the gentleman from Pennsylvania [Mr. RICH] for 10 minutes.

THE FISCAL SITUATION

Mr. RICH. Mr. Speaker, on October 12 the President of the United States issued a proclamation calling this House together on November 15. A month and 3 days elapsed from the time of the call until we convened on last Monday. Naturally, I expected when we came to this special session of Congress, which was called for the express purpose of considering the four points mentioned in the President's message, that everything would be cocked and primed and ready to go into action. I have been terribly disappointed. It seems to me that if a corporation or any business enterprise had given 30 days' notice to its representatives in every State of the Union that they were to assemble at a particular point at a stated time, that corporation would have had a method of procedure outlined for orderly business; that they would have conducted their business beginning the moment the gavel sounded; that they would have brought up the particular points they intended to discuss. They would be prepared for definite action. That would have been an orderly business do-something procedure for a definite accomplishment. But what do we find when we come here to this House of Representatives, called together by the President of the United States? Three hundred and seventy-six Members answered the call on Monday from every State in the Union. We have not been permitted to say one word or do one thing up until today at this hour. I think the Democratic administration, who are responsible, should be censured for this unbusinesslike manner of procedure. They have blocked free speech in the House of Representatives for 2 days. If we continue on, I will say for 1 year more, in the way we are going, I question very much if you will have free press.

I question very much whether you are going to have the form of government which our forefathers established. I

want to say to you, with all the seriousness I possess, I did not take this time for the purpose of trying to criticize. I have taken this time to plead with you Members of Congress on the Democratic side, who are in the majority in this House and are responsible for action, and to tell you the serious condition in which we find this Nation at the present time.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. RICH. I cannot yield at this time. I am sorry.

If ever in your lives you have used your own best thought and judgment for the welfare of this country, you should use it now, before it is too late. You should not permit any legislation to be brought in here by one or two men and then adopt it, regardless who they may be, unless you in your own minds feel that that is the proper legislation to put into effect—legislation that is for the best interests of all the American people. I appeal to you on that one point solely at this time. If you think the legislation that is going to be prepared for you is the kind of legislation you ought to support, you vote for it and you assume the responsibility; but if you do not think it is the kind of legislation that ought to be enacted into law, then, in the name of our country, do not support it; do not be a rubber stamp. That is the principal point I want to bring to you now. Think, think, think, and again think, then act.

I am going to call your attention to one paragraph in the President's message:

A proposed Federal Budget for the coming fiscal year also will shortly be ready for submission, a Budget which I expect can be brought within a definite balance.

Now, the President of the United States has made more promises than any man I have ever known on a balanced Budget. He has done just the opposite to what he said he would do. No less than three times during the past year he promised the American people a balanced Budget. The President never did balance any budget. He cannot balance the Federal Budget. He just does not know how. And, notwithstanding all his promises, he will never balance the Federal Budget, this year, next year, nor any year. Secretary Morgenthau, in his speech recently, said that if we reduced the expenditures of our Government \$700,000,000, we will have a balanced Budget. I think the Secretary of the Treasury is also badly in error, because I am going to use his statement as I have it here, issued on November 10 by the Treasury Department, and I want to show you that up to November 10, in the year beginning on July 1, we have gone into the red \$670,550,210.33, almost the amount of the deficit, in 4½ months, that the President says we would have at the end of the year. I tell you Members of Congress you are going to be a billion and a half or two billion dollars in the red by the end of this fiscal year; that is, the year ending June 30 next. I will tell you why. Your expenditures will be more than your income by that amount. You must cut expenses by more than a billion dollars, and it can easily be accomplished. That is the way to do it. Since the last session of Congress I have talked to many manufacturers in this country employing from 50 to 2,000 men. In all my travels I have never heard so many men in business, men who are responsible heads of business, make this statement: "I want to close up my business and get out. There is no future ahead in business for me. I am sick and tired of all the reports I have to make. I am sick and tired of all the taxes that I have to pay, and of all the regulations. I cannot make any money. I am hounded by labor unions. I am going to get out of business before I go into bankruptcy and lose all I have."

I want to say to you again with all the seriousness that I possess, when the businessmen of this country are ready to quit, when the 5 percent of the people who give employment to the other 95 percent want to stop business, you are in a sad and sorrowful plight in this country.

Do not think I am making that statement to try to criticize someone. God forbid. It is too serious today to stand up here and try to make some fellow feel sorry that he may be a Democrat or some fellow feel sorry that he may be called a Republican. This Treasury statement of November

10 shows that we are in debt now \$37,029,252,100.70; think of it, over thirty-seven billion dollars.

WHERE ARE YOU GOING TO GET THE MONEY?

Let me call your attention to this fact, our income this year increased over \$625,000,000, yet we still went in the red over \$670,000,000, just because we flittered it away here in Congress and the President signed the bills. If he wanted to cut down expenses why did he not veto some of these bills if he meant what he said, that he would balance the Budget this year? His actions did not support his promises. Since Mr. Roosevelt has assumed office we have put this country in debt over \$16,925,000,000. That is over \$8,810,000 per day, over \$6,130 per minute of the day from the time Mr. Roosevelt became President to the present moment. When you sleep, when you eat, when you play, and when you work—in the red over \$6,130 every minute. This must be paid back by future generations; they must sacrifice for Mr. Roosevelt's folly of priming the pump. Folly of untried, untrained, unstable men to run the greatest Government and business in the world. It is a blight on our history.

The situation which confronts us today means that if one has any incentive or any desire to try he does not yield to it, because he sees no way out of the morass. There exists at the present time the greatest buyers' strike that I have known in my 35 years of business experience. The business of the country is almost stagnant at the present moment. One of two things must be done. You must realize that if the capitalistic system which has made this country in 150 years the greatest Nation on the face of the earth, has been of any consequence and is of any good today, the manufacturer and the businessman must be given an opportunity to do something. If he makes too much money we have the easiest way under the heavens to take it away from him—by the income tax and the inheritance tax. We do not need to be afraid of anybody running away with this country; all we need do is to apply these two brakes. We ought to hesitate before we put the screws on a man in business to the point where he would rather close his business than go into bankruptcy. When opportunity is gone you crush initiative, you kill the goose that lays the golden eggs. Mr. Speaker, I hope this session Members of Congress will think and not be rubber stamps. [Applause.]

[Here the gavel fell.]

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

WAGE AND HOUR LEGISLATION

Mrs. NORTON. Mr. Speaker, I want to call attention to a petition on the Speaker's desk to discharge the Committee on Rules from further consideration of the bill S. 2475, the so-called wage and hour bill, and ask all Members interested in this legislation to sign this petition as quickly as possible, so that we may be able to get the bill before the House by December 13, which would be the first date possible to bring it up under the operation of the discharge rule.

Mr. RANDOLPH. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. I yield.

Mr. RANDOLPH. Is it not a fact that the Committee on Labor, of which the distinguished gentlewoman is chairman, by an almost unanimous vote decided on that procedure?

Mrs. NORTON. Yes; that is true.

[Here the gavel fell.]

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE LATE HONORABLE WILLIAM J. GRAHAM, FORMER MEMBER OF HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Illinois. Mr. Speaker, a week ago today, November 10, a very distinguished former Member of

the House of Representatives, the Honorable William J. Graham, passed away here in Washington.

Judge Graham was a native of Pennsylvania. He moved to Illinois and there began the practice of law with very much distinction. He served his county as State's attorney and served in the Illinois General Assembly. In 1916 he was elected to the Sixty-fifth Congress and ably represented the important district which I now have the honor to represent. He served in Congress for four terms. In 1924 President Coolidge saw fit to appoint him presiding justice of the United States Court of Customs and Patent Appeals, in which position he served until his death.

Judge Graham was buried in his adopted city of Aledo, Ill., on last Friday, November 12. He was a man of great distinction, had a host of friends, and ably served his constituency and his Nation during his public career.

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ISSUES BEFORE THE EXTRAORDINARY SESSION OF CONGRESS

Mr. WHITE of Ohio. Mr. Speaker, will the emergency session act on an emergency program?

To date the calling of a special session of Congress has been a silly performance.

Despite the regular session which must open on January 3, it was claimed there had to be an emergency session to deal with emergency legislation.

The need for this course was emphasized. Yes, sir; the whole matter was too important to permit delay. The session had to start on November 15—it could not even wait until December 1 or November 20. And yet that legislative program which was said to be so vital has not even been presented and there has been nothing but plain stalling since the moment the special session convened.

The gong had hardly died out before the leaders responsible for the schedule were suggesting adjournment for several days. It has been a ridiculous spectacle. More so when you stop to consider the program to which they contend the special session should be confined. The announced five points are:

Reorganization bill.

Seven regional planning boards for T. V. A.

Uncertain farm legislation.

Wages and hours.

National housing.

Would you call that an emergency program?

It is time for some plain speaking. What is the emergency problem that is confronting the country right now? Is it not the renewal and growth of unemployment and the severe decline in business activity? The emergency session ought first of all to deal with the emergency.

THE FRUITS OF ECONOMIC FALLACY

Sixty days ago business enterprise took a tail spin. Retail sales slowed down. Orders were canceled right and left. The prices of commodities, stocks, and bonds plunged sadly downward. Jobs have been lost by the thousands. The only thing that has been going up since August has been the army of unemployed men and women—and, of course, the public debt—but there is nothing new about that.

Worst of all, the business slump comes at a time when the resources of working men and women are worn thin; likewise the private and public resources of the country as a whole—all thinner because of the depression, the taxation burden, and increased costs of living.

During these last 60 days the chickens of economic fallacy have been coming home to roost.

Those people who sang "We planned it that way" a few short months ago, when we rode the tide of world-wide recovery and Government spending, now want to sing a different tune.

This time the severe slump is not world-wide. It is the waif on the doorstep of our own Government administration. It is peculiar to the United States alone. That is significant.

Could it be that the individual administration schemes have produced the individually domestic results which everyone in the United States can now see—and feel till it hurts?

Business and jobs or jobs and business—they are the same thing. Why should business and jobs in the United States be suffering the present blow when the same thing is not happening in other countries?

There are many fundamental reasons. Anyone needs only a single good eye and a grain of common sense to see some of them.

Successive deficits of the Government have been a growing disease that has spread doubt and confusion and has steadily eaten into economic healthfulness.

Taxation is consuming too much of the purchasing power of the Nation—and the worst is yet to come!

The present devices of Government revenues from undistributed profits and capital gains constitute a foolhardy tax on jobs and employment. This assertion is illustrated by one of many firms I know about. They have abandoned a million-dollar plan of replacement and expansion because they would have to pay the Government \$380,000 by way of taxes for the privilege of spending the million.

The markets of American farmers and factories are being handed over to foreign producers under the trade-treaty policy which has boomed imports and blasted exports. For the first time in 43 years we now have an unfavorable trade balance for successive months.

Government interference with honest business enterprise has chained the little businessman to the same whipping post as the big fellow who has means of legal combat, financing, and distribution that are not within reach of the little fellow.

The buy-and-bury policy on gold has given other nations the privilege of making the profit and the United States the privilege of conducting the funeral.

Genuine recovery certainly has not been helped by abandonment on the part of the Government of its proper role as an impartial referee in labor disputes, or its favoritism to one labor organization against another.

ABUSE OF SOCIAL SECURITY

Everyone had a right to expect that social-security revenues would be safeguarded for social-security benefits. Like a father breaking into the bank of his own child in order that he could spend the money by substituting a promise to pay, the powers that be have been using social-security funds as fast as they come in for the general operating expenses of government—building battleships, paying inspectors, erecting dams—anything and everything except social security.

Of course, the Government promises to replace the cash, but it is not reducing the debt, and that means both wage earners and employers are confronted with the necessity of paying the bill twice.

It also means that the Government cannot borrow money later on to meet the benefit requirements, running into billions, unless its financial house is kept in good order.

Therefore every wage earner in America has a direct stake which he has not had before in maintaining a sound financial condition.

More than 34,000,000 wage earners are now paying income taxes on their wages, and their payments are duplicated by employers. To preserve their investment and guarantee successful operation of the social-security law without imposing intolerable burdens and dangers, it should be placed on a pay-as-you-go basis. On this basis the tax can be kept at its present rate of 2 percent for several years to come. Otherwise it will be tripled by 1949.

MAINLY REFORM LEGISLATION

Of the five items listed in the program for the emergency session, only one is what might be truthfully called an emergency measure, and that is farm legislation. National housing might also be added, depending upon the program.

If we are to act on the same reorganization bill previously under discussion, we know it was a device to extend one-man control by:

(a) Taking the power to halt illegal expenditures out of the hands of the Comptroller General and substitute in his

place a glorified bookkeeper who would merely make an audit after the money was spent.

(b) Gain indirect control of the merit system by doing away with the Civil Service Commission and substituting an appointive administrator and a civilian advisory board.

The creation of seven new regional T. V. A. boards means an extension of bureaucracy and anything else but reduced expenditures.

We all remember that the wage and hour proposal was changed almost daily in the closing days of the last session of Congress. It would take more than a prophet to guess the form and provisions of any wage and hour proposal that may—or maybe not—come before us this session. All we can judge by at present is the old proposal, and that would shove responsible labor unions out of business, and, in my humble opinion, would at this moment muddy the waters still further by adding to the intensity and force of unemployment and business decline.

I fear the plan as now designed would not only throw more people out of work but also give unconstitutional legislative authority to a five-man board, place efforts of legitimate organized labor in a strait jacket, enable the board to play the game of discrimination that has already been in evidence, hit the farmer unfairly under existing circumstances, put the "squeeze play" on the little fellow again, and level down wages for people who are worth more than the minimum.

We have changed the oars and the anchor, but let us not attempt to put a new bottom in the boat until we get closer to the shore of genuine recovery.

When it comes to the new farm legislation it seems to be a case of "name it and you can have it." We are told that about six bills are floating through the vacant places around the Department of Agriculture. We know that the House committee is working on one proposal and the Senate committee is flirting with another. None is yet ready for action and the whole procedure is about as uncertain as a suspender button on a pair of cast-off pants. For one, I do not see how I can justify voting for compulsory control of American farmers.

Farming is the backbone of America. What sense is there to shackling the farmer in the production of crops when at one and the same time the Government is letting the bars down to a flood of farm products and also tossing millions right and left on new irrigation and reclamation projects in the United States to bring new lands into production.

If we are going to make trade treaties, let us at least get some trade advantages out of them for American products, especially from the dead-beat nations whose war debts are being paid by American taxpayers.

The American farmer and wage earner deserve something better than being placed in direct competition with the lowest living standards in the world.

A REAL EMERGENCY PROGRAM

Expressed in the affirmative, the real emergency program at this time, when recovery should supersede questionable reform, includes:

Cut expenditures.

Balance the Budget.

Modify the undistributed-profits and capital-gains taxes on small businesses, on purchases, on plant construction and replacements, and on bona fide debt payment.

Correct the abuses against the Social Security Act.

Restore the American markets to the products of American farms and factories.

Halt punitive expeditions against legitimate business enterprise.

Define a monetary policy that leaves no room for doubt and uncertainty.

Guarantee law and order in labor disputes and play no favorites.

PERMISSION TO ADDRESS THE HOUSE

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, I have listened to the speech just delivered by my distinguished colleague from New York [Mr. FISH], and because we are at the outset of the special session of Congress and in great need of a legislative program which will give us reasonable permanent economic balance, I am voicing the wish that our efforts might be concerted and rise above allegiance to political affiliations, so that we might be able to attain the heights of statesmanship, forswearing partisan advantage, and contribute a permanent, constructive recommendation that would result in good, sound, public policy.

My distinguished friend from New York told us that the prosperity that existed in the United States prior to 1929, and which ultimately led to widespread speculation, which is another word for gambling, caused the depression of that era. He followed that with the contradictory statement that the President of the United States is now responsible for the depression which he claims is on us at this moment because of the restrictions of this administration on speculation or gambling. In my judgment, we will accomplish little or nothing if we become so intently interested in the speculative or gambling phases of our national economy. We must be more interested in good, sound, economic policy.

I ask you to go back to the record following the debacle of 1929. There you will find, among other such speeches, perhaps, an utterance by my friend the gentleman from New York informing us that the depression of that time resulted from the dislocations growing out of the World War. I hear that statement made so often on that side of the aisle that I assume even the gentleman from New York may have made it at that time.

If the depression really resulted from dislocations growing out of the World War and from tariff and trade barriers, it could not have resulted entirely from speculation. Of course, it is possible, if a complete statement were made, to say that they all contributed to the depression that came on us in 1929.

My distinguished colleague quotes Irving Fisher as an authority on the cause of the depression following the crash of 1929. I just went out into the lobby and found a Republican witness, namely, Colonel Ayres, of Cleveland, often quoted by Members on both sides of the aisle. He says, evidently with reckless abandon, provided he had information as to what my distinguished friend from New York was going to say, that there is no depression now, that it is just another trembling or another evidence of that dislocation, world-wide in character, which resulted from the World War, and that until trade barriers are lifted, until the destructive tariffs are no longer retarding trade, and until business has an opportunity to make the natural progress as it has been doing, we will at times have these little tremblings, but they need not put fear into the hearts of any of us. Colonel Ayres denies the presence of a depression now. No one could deny the one that devastated the country in Mr. Hoover's administration.

The Republican Party in 1929 encouraged widespread speculation or gambling in America; every time the stock market trembled, some Cabinet officer, even the Secretary of the Treasury, or some other outstanding Republican leader gave assurance to our citizens that everything was all right, that business was sound, and by that character of leadership led many of our people to pay idolatrous tribute to the false god of gold. Even those who pointed to stock quotations in those days as the barometer of prosperity have learned a lesson. If unregulated and unbridled speculation almost ruined the country then, would you remove the regulations which have been approved by the American people now? Do you want another wild orgy of gambling and speculation to take place again?

[Here the gavel fell.]

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, now, may I ask just a few simple questions?

Would your party repeal the regulations and control we have over stock exchanges and the sale of securities? Do they remember, or have they forgotten, the questionable and the fraudulent bonds and securities sold throughout America which caused Americans to lose billions of dollars? Have they forgotten the story of the holding companies, a history both shameful and vicious, which was attached to the development of that industry in America? Do they remember the operations of the unmanaged, unregulated investment trusts that carried many of our people to financial destruction? Would you repeal these restrictive laws? Would you repeal the law that guarantees the bank deposits of our people?

Would you men who at the beginning of our special session lament the losses incident to speculation, and in that manner indirectly subscribe to a theory that these regulations are unjust; I ask, would you repeal these laws; and if so, name the laws you would repeal? For my part the present policy of the Government, perfected in the light of experience, is helpful to the investor, the banker, and the broker. We will fail in our efforts to improve economic conditions if we insist that a depression is now upon us.

Let me say that when this year is done the farmers of America will enjoy an income far in excess of the income they enjoyed in 1932, 1933, 1934, or 1935, and \$900,000,000 in excess of their income of a year ago. Labor is enjoying the highest wage scale in its history, giving to them the buying power so sorely needed.

May I point out that as long as we have power machines that can produce more than we consume, as long as our productive capacity exceeds our present capacity to consume, we are not going to have proper economic balance. This administration in passing restrictive legislation prevented further financial losses. It hedged in our prosperity. Now with a stabilizing farm program and an hour and wage bill that will buoy up our purchasing power, it is attacking with courage the pressing economic problems of the country, an attack characterized by both intelligence and experience. In matters purely economic we deserve your cooperation rather than your condemnation.

Mr. Speaker, I ask my distinguished colleague from New York not only to tell us what legislation he would repeal but let him also tell us what legislative program he would substitute? We will attain the social and economic objectives of this administration with his cooperation, I trust, but we will regardless of his attitude, because we are right. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Tuesday next after the disposition of business on the Speaker's table and at the conclusion of the legislative program in order for the day, I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, we have had a field day, so far as speeches are concerned, and we will go on tomorrow with several special orders. I believe we shall be able to conclude all of the speeches that are ready on tomorrow; therefore I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. CHURCH. Mr. Speaker, I object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RANKIN, for 2 days, on account of business.

To Mr. BEVERLY M. VINCENT, for the balance of the week, on account of official business.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Thursday, November 18, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

842. A letter from the Chairman, United States Maritime Commission, transmitting a report of the United States Maritime Commission, recommending legislation, and the results of the Commission's study pursuant to section 212 (b) (2) on transoceanic aircraft service; to the Committee on Merchant Marine and Fisheries.

843. A letter from the Secretary of the Interior, transmitting Annual Report of the National Bituminous Coal Commission for the year ending June 30, 1937 (H. Doc. No. 396); to the Committee on Ways and Means and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8402) to amend section 111 of the Judicial Code to provide a term of court at Newport News, Va.; to the Committee on the Judiciary.

By Mr. KING: A bill (H. R. 8403) to ratify and confirm Act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; to the Committee on the Territories.

Also, a bill (H. R. 8404) to authorize the Territory of Hawaii to convey the present Maalaea airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport; to the Committee on the Territories.

Also, a bill (H. R. 8405) to provide for a plebiscite on the question of statehood in the Territory of Hawaii; to the Committee on the Territories.

By Mr. PHILLIPS: A bill (H. R. 8406) to provide for the establishment of fair labor standards in employments in and affecting interstate or foreign commerce, and for other purposes; to the Committee on Labor.

By Mr. BURCH: A bill (H. R. 8407) to amend the China Trade Act, 1922, as to the duration of the China Trade Act corporations; to the Committee on the Judiciary.

By Mr. GREEN: A bill (H. R. 8408) to extend the time for filing claims for refund of amounts paid as tax under the Agricultural Adjustment Act; to the Committee on Ways and Means.

By Mr. LEMKE: A bill (H. R. 8409) authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. SAUTHOFF: Resolution (H. Res. 351) requesting the President to enforce the Neutrality Act; to the Committee on Foreign Affairs.

By Mr. CHAPMAN: Resolution (H. Res. 352) requesting the Secretary of Agriculture for information regarding deaths occurring as a result of interstate distribution of elixir sulfanilamide; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON of Missouri: Resolution (H. Res. 353) to increase the compensation of A. E. Chaffee, reading clerk; to the Committee on Accounts.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 501) to dedicate the Library of Congress as the Jefferson Memorial Library; to the Committee on the Library.

By Mr. EICHER: Joint resolution (H. J. Res. 502) proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8410) for the relief of the Eastern Shore of Virginia Produce Exchange, Inc.; to the Committee on Claims.

By Mr. DICKSTEIN: A bill (H. R. 8411) for the relief of Arthur Weiss; to the Committee on Military Affairs.

By Mr. GAMBRILL of Maryland: A bill (H. R. 8412) for the relief of Herman F. Krafft; to the Committee on Naval Affairs.

By Mr. GIFFORD: A bill (H. R. 8413) for the relief of John W. Reardon; to the Committee on Naval Affairs.

By Mr. KEE: A bill (H. R. 8414) granting a pension to Paul Passanise; to the Committee on Pensions.

By Mr. LANZETTA: A bill (H. R. 8415) for the relief of Michele Bove; to the Committee on Immigration and Naturalization.

By Mr. LAMNECK: A bill (H. R. 8416) for the relief of William G. O'Harra; to the Committee on Claims.

Also, a bill (H. R. 8417) for the relief of John B. Dollison; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 8418) for the relief of Itzhock or Isidore Finkelstein and Rochel or Rachela Finkelstein; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 8419) for the relief of Yankiel Owsianka, alias Jack Singer; to the Committee on Immigration and Naturalization.

By Mr. SHANLEY: A bill (H. R. 8420) authorizing the President of the United States to appoint Corp. Bernard Early as a major in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. SMITH of Washington: A bill (H. R. 8421) for the relief of Sam Rancic; to the Committee on Claims.

Also, a bill (H. R. 8422) extending the provisions of an act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," to W. P. Campbell; to the Committee on the Civil Service.

By Mr. SUMNERS of Texas: A bill (H. R. 8423) for the relief of Frank W. Lohn; to the Committee on Claims.

By Mr. SUTPHIN: A bill (H. R. 8424) for the relief of John F. and Ethel M. Dailey, of Everett, N. J.; to the Committee on Claims.

By Mr. SWOPE: A bill (H. R. 8425) granting an increase of pension to Annie G. Hoover; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3342. By Mr. SWOPE: Petition of Mrs. Georgia V. Jones and 18 other citizens of Dauphin County, Pa., favoring the enactment of an old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

3343. By Mr. CURLEY: Petition of the American Hotel Association, favoring the modification, repeal, or amendment of the undistributed-profits tax and the capital-gains tax; to the Committee on Ways and Means.

3344. By Mr. RICH: Petition of the Valley Grange, No. 876, of Tioga County, Pa., opposing the Black-Connery labor bill; to the Committee on Labor.

3345. Also, petition of the Mitchell Mills Grange, of Tioga County, Pa., opposing the Black-Connery labor bill; to the Committee on Labor.

3346. By Mr. SADOWSKI: Petition of the American Federation of Labor, endorsing the Civil Service Commission; to the Committee on the Civil Service.

3347. By Mr. PFEIFER: Petition of the American Hotel Association of the United States and Canada, New York City, concerning the undistributed-profits tax and the Black-Connery bills; to the Committee on Labor.

3348. By Mr. CURLEY: Petition of the New York Board of Trade, New York City, N. Y., opposing any farm legislation aimed to curtail domestic production; to the Committee on Agriculture.

3349. By Mr. SPENCE: Petition of the Kentucky Live Stock Improvement Association, requesting that livestock be included in the 1937 farm conservation program; to the Committee on Agriculture.

3350. By Mr. PFEIFER: Petition of the New York Board of Trade, Inc., New York City, concerning farm legislation; to the Committee on Agriculture.

3351. By Mr. CURLEY: Petition of the New York Board of Trade, New York City, N. Y., favoring the repeal of the undistributed-profits tax and urging action in that respect at the special session of Congress; to the Committee on Ways and Means.

3352. By Mr. SPENCE: Petition of railroad employees of Kenton County, Ky., protesting against the expenditure of Federal funds for the improvement of waterways; to the Committee on Rivers and Harbors.

3353. By the SPEAKER: Petition of the American Hotel Association, New York, N. Y., concerning undistributed-profits tax and Black-Connery bill; to the Committee on Ways and Means.

3354. Also petition of the Hospital Employees' Union of Greater New York, concerning the wages-and-hours bill as proposed by the President; to the Committee on Labor.

3355. By Mr. DORSEY: Petition of citizens of the county of Philadelphia, Pa., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

3356. By the SPEAKER: Petition of the American Federation of Labor, favoring the continuation of the Civil Service Commission as a bipartisan body; to the Committee on the Civil Service.

3357. By Mr. PFEIFER: Petition of the New York Board of Trade, Inc., New York City, concerning the repeal of the undistributed profits tax; to the Committee on Ways and Means.

3358. By Mr. SADOWSKI: Petition of the International Brotherhood of Electrical Workers, Local Union No. 58, Detroit, Mich., favoring Government-owned and controlled hospitals; to the Committee on Ways and Means.

3359. By Mr. PFEIFER: Petition of the Interstate Airways Committee, Washington, D. C., concerning the McCarran-Lea air-transport bill; to the Committee on the District of Columbia.

3360. Also, petition of the New York Mercantile Exchange, New York City, concerning amendment to section 601, Revenue Act of 1932 (H. R. 3144); to the Committee on Ways and Means.

3361. Also, petition of the American Federation of Labor, Washington, D. C., favoring the preservation of the present form of administration of the Federal workmen's compensation laws by maintaining the Commission as an independent body; to the Committee on Labor.

3362. By Mr. HILDEBRANDT: Resolution relative to land purchased by the Board of Education, Vivian School District No. 21, Vivian, S. Dak.; to the Committee on the Public Lands.

3363. By Mr. SADOWSKI: Petition of the American Federation of Labor, reaffirming its approval of the United States Employees' Compensation Commission; to the Committee on the Civil Service.

3364. By Mr. ASHBROOK: Resolution of the Royal Arcanum, protesting against the proposed 2-percent tax on premiums collected by fraternal societies; to the Committee on Ways and Means.

SENATE

THURSDAY, NOVEMBER 18, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

FREDERICK STEIWER, a Senator from the State of Oregon, appeared in his seat today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, November 17, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pepper
Andrews	Copeland	La Follette	Pittman
Ashurst	Davis	Lee	Pope
Austin	Dieterich	Lewis	Radcliffe
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Loneragan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Graves	McNary	Thomas, Utah
Bulkley	Green	Maloney	Townsend
Bulow	Guffey	Miller	Truman
Burke	Hale	Minton	Tydings
Byrd	Harrison	Murray	Vandenberg
Byrnes	Hatch	Neely	Van Nuys
Capper	Hayden	Norris	Wagner
Caraway	Herring	Nye	White
Chavez	Hitchcock	O'Mahoney	
Clark	Johnson, Colo.	Overton	

Mr. MINTON. I announce that the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], and the Senator from North Carolina [Mr. REYNOLDS] are absent because of illness.

The junior Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the senior Senator from New Jersey [Mr. MOORE], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. When the Senate adjourned last evening the Senator from North Carolina [Mr. BAILEY] had the floor and gave notice that he desired to continue his remarks this morning. The Chair, therefore, recognizes the Senator from North Carolina.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Carolina yield; and if so, to whom?

Mr. BAILEY. Mr. President, I will be perfectly willing to yield to the convenience of Senators or the Senate, but I do not wish to yield if by yielding I will lose my right to the floor.

The VICE PRESIDENT. The Senator from North Carolina, if he yields to various Senators for the purpose of transacting routine business, will not lose the floor while the present occupant of the chair is presiding.

Mr. BAILEY. I yield.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Seventy-fourth Annual Convention of the